



A TANDEM - DAWNAY SPECIAL

Is Clay Shaw guilty?

5/-

# THE GARRISON ENQUIRY

TRUTH and CONSEQUENCES

**JOACHIM JOESTEN**

Author of  
Oswald: the Truth  
Marina Oswald

**THE FACTS  
THAT THE  
NEWSPAPERS  
REFUSED  
TO PRINT**



**A REAL LIFE THRILLER!**

THE  
GARRISON  
ENQUIRY

*Truth & Consequences*

JOACHIM JOESTEN



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## *Foreword*

The eyes of the world are focused on New Orleans where the curtain is about to rise on one of the strangest of judicial dramas ever enacted: The trial of Clay Shaw for 'conspiracy to kill President John F. Kennedy.'

President Kennedy has been dead for four years. So has been his alleged murderer, Lee Harvey Oswald. The Warren Commission, three years ago, closed the books on The Crime of the Century. The whole world accepted its solemn verdict that the President's life had been taken by a lone, deranged assassin; that there had been no conspiracy.

And now a previously little-known elderly man, Clay Shaw, a respected citizen of New Orleans, is about to stand trial for a conspiracy which, according to the District Attorney, Jim Garrison, set in motion events that culminated in the assassination.

If the jury finds Shaw guilty, the Warren Report, already buried under an avalanche of adverse criticism, will be as dead as a door-nail. Its twenty-six volumes and supporting materials, covering 100 cubic feet in the National Archives in Washington, won't be worth the paper they're printed on.

But even if Shaw is acquitted, that won't be the end of the story. Garrison conceivably may have picked the wrong target in his first major assault on the official version of the assassination. In any event it is certain that he has opened Pandora's box. Other arrests and indictments are sure to follow, regardless of the fate of Clay Shaw. The battle for the truth about the assassination, now in full swing, will go on for a long time.

If past experience is a valid indication, the news media will cover the Shaw trial in a big way, but not well. They may be expected to twist the facts and to slant the news,

as they have done before. Powerful forces in Washington are determined to prevent the truth from coming out at all cost and the press, which isn't nearly as free from official pressure as it pretends to be, seconds this effort almost down to a man.

That's why it is important that the discerning reader should be given an opportunity to see also the other side of the picture and to judge for himself what's right or wrong.

'*Qui n'entend qu'une cloche, n'entend qu'un son,*' says an old French proverb—He who listens only to one bell, hears only one sound.

The bells of our time, i.e. the newspapers and magazines, the radio and television, have been ringing out only one sound about the assassination. They have consistently proclaimed Oswald's guilt, deprecated any thought of conspiracy, defended the Warren Report, assailed its critics, and they are now engaged in a massive effort to discredit the Garrison enquiry.

Practically the only way dissenters have been able to make their voices heard has been through books. No wonder there have been so many on the subject.

*The Garrison Enquiry* is my seventh book-length work on what I have called, from the first day, The Kennedy Murder Fraud. It isn't going to be my last, I hope. As long as there is any breath in me, I shall continue to write about this absorbing theme.

For, as Garrison has said, 'The murderers of one of the finest presidents we ever had are walking around today. Not to do anything about it is un-American.'

As an American citizen, I deeply feel that my paramount duty lies with the cause of truth and justice, not in currying favour with the powers-that-be. That's why this book just had to be written.

JOACHIM JOESTEN

September 1967



## Chapter 1

### *Heresy in New Orleans*

It all began quite casually.

Rosemary James, a pert, snub-nosed reporter for the New Orleans *States-Item* (the local evening newspaper), was at the courthouse, making a routine check of public expenditures among the vouchers officials must file there under Louisiana law, when the startling news leapt up at her.

District Attorney Jim Garrison, she found, had been incurring exceptionally heavy expenses of late. In a couple of months, he had spent at least \$8,000 for the purpose of sending out investigative teams to many cities around the nation, including Texas, Florida and California—where Louisiana prosecutors do not normally poke their noses. Something big, then, must be up, Rosemary realised.

And then, as she kept turning over the vouchers, the extraordinary nature of the case for which all that money had been spent hit her right between the eyes. What the District Attorney was investigating was a conspiracy to kill no less a person than President John F. Kennedy.

Rosemary's first reaction was typical of all those that were to follow, not only in the United States, but throughout the world. She just shook her head, staring in utter disbelief at the papers before her.

She must be dreaming, she thought, for such a thing couldn't be true. Why should the New Orleans District Attorney start an investigation of a national tragedy on which the books had been closed long since? Hadn't the Warren Commission settled the matter, once and for all, two and a half years ago? Didn't their Report state specifically that there had been no conspiracy, that the violent death of the President was due solely to the



sudden murderous impulse of a deranged young man? Who was Jim Garrison to call in doubt the unanimous verdict of seven sages presided over by the Chief Justice of the United States?

True, there had been some manifestations of scepticism lately, mostly abroad. The subject didn't exactly come within the ordinary sphere of interest of Rosemary James, but of course she had heard that assailing the Warren Report had become something of a fad and that a lot of money was being made by irresponsible rumour-mongers bent on exploiting the President's death. Ghouls and scavengers—phew! Fellows who weren't ashamed to ride high on a shroud. People who couldn't be taken seriously.

But Jim Garrison—a district attorney? You couldn't dismiss *him* with a shrug. He was no amateur sleuth. Investigating was his business. And he was much too smart a man, Rosemary knew, to spend \$8,000 worth of public funds on a harebrained scheme or a wild goose chase.

Whether or not all these thoughts crossed Rosemary's pretty little head, as she sat there poring over those incredible vouchers, she was good enough a reporter instantly to know a scoop when she saw one. And so were the editors of the *States-Item* who rushed the story into print and gave it a big play. That was on February 17, 1967.

The first impact of the *States-Item's* disclosures was rather inconsequential. Jim Garrison had a reputation in New Orleans for occasionally eccentric behaviour and he was virtually unknown outside of his home state. So the press agencies didn't immediately bother to pick up the story and give it nation-wide distribution.

Within a day, however, things changed. No sooner had the first news of the Garrison investigation come out than a man named David William Ferrie phoned the *States-Item* to volunteer additional information. The editors immediately perked up, for Dave Ferrie was something of a local character. He had made news

before, mostly scandalous, and was known in the local press as 'good copy'. So a team of reporters was promptly sent out to interview Ferrie at his small apartment on 3330 Louisiana Avenue Parkway.

They found a man hard to believe even for a couple of tough newsmen familiar with all the strange goings-on in a big city.

The first thing about Ferrie that invited disbelief was his nightmarish appearance. A gaunt, beaky-nosed man of forty-eight, he had lost every hair on his head, allegedly in an explosion (though it had left no other mark on his face). To make up for his glaring baldness, he wore a crimson-coloured wig that 'looked as if it had been hacked out of a moth-eaten carpet' (*Los Angeles Times*), false, glued-on eyebrows and mascaraed false eyelashes.

Just as weird as his looks, were Ferrie's background and style of life. As a young man, he had studied for the Roman Catholic priesthood but had been eased out when his homosexual leanings were discovered by his superiors. Fanatically religious, Ferrie had then turned to a little-known sect which calls itself the 'Orthodox Old Catholic Church of North America' and he had even been known to parade occasionally in priestly vestments.

An excellent flyer, Ferrie had been, in the 'fifties, an organiser of 'Civil Air Patrol' units and later he had become a pilot for Eastern Airlines. In March 1963 he was discharged by this company after his name had turned up on a list of sexual deviates picked up by the New Orleans police.

He was also a 'psychologist', who sported a 'degree' from one of those diploma mills that abound in America, especially in the South, and he practised hypnotism, in particular within the circle of devoted young friends he used to surround himself with.

Ferrie was also an inventor of sorts, but the wild schemes he would hatch on occasion usually misfired. Once he filled his apartment with mice, it is reported,

in hopes of finding a cure for cancer. In his spare time, so another story goes, he laboured on a miniature submarine model he was trying to fashion out of an airplane fuel tank.

His dirty apartment was cluttered with rosary beads, books (many of them about the assassination of President Kennedy), unwashed coffee cups, littered ashtrays, cigarette butts and an amazing variety of bottles of every size and shape, filled with pills and tinctures.

Only a handful of his acquaintances were aware that David Ferrie was also active as a private detective who counted among his clients none less than Carlos Marcello, the powerful Mafia chieftain who rules the underworld of the southern states with an iron hand and who ranks near the top of the mobocracy in the United States.

And only a few of his real intimates knew that all this was but an elaborate smokescreen behind which David Ferrie cleverly concealed the fact that he was a full-time agent of the Central Intelligence Agency whose primary function was to recruit, train and equip Cuban exiles for commando raids against Castro's regime, in which he occasionally participated.

Even the editors of the *States-Item* were unaware of this key element in the restless existence of the man who had volunteered to give them additional information about the newly publicised Garrison probe. In this interview, which the paper published the following day, Ferrie stated that he had been the first target of the new investigation and bitterly complained about alleged harassment by Garrison's men. He called the investigation 'a big joke' and said, 'Supposedly I have been pegged as a getaway pilot.'

On the same day that it carried the Ferrie interview, the *States-Item* ran an editorial questioning the validity of the Garrison enterprise. 'Has the District Attorney discovered valuable additional evidence,' the editorial scathingly asked, 'or is he merely saving some interesting

new information that will gain for him exposure in a national magazine? Mr. Garrison, it seems, should have some explanation.'

Garrison quickly responded to the challenge. At a press conference held in the late afternoon of February 18, he stressed that he was conducting a serious investigation which, he complained, had been hampered by the premature disclosure in the *States-Item*. He declared that a band of conspirators had developed a plan in New Orleans that culminated in the assassination at Dallas, on November 22, 1963.

'We already have the names of the people in the initial planning,' Garrison declared. 'We are not wasting our time and we will prove it. Arrests will be made, charges will be filed and convictions will be obtained.'

In response to a question how he got started on this investigation, Garrison replied that he had been intrigued by the length of Oswald's stay in New Orleans—from April 25 to September 22, 1963—in the period preceding the assassination. He said that in order to learn more about Oswald's stay in New Orleans, he 'went through the twenty-six volumes of the Warren Report and there were some questions raised. As a result, I began the investigation. The investigation led to new leads, which we followed out, and other leads were uncovered.'

Asked how he felt about the Warren Commission, Garrison said it had certainly been composed of 'able' men, but 'did not have sufficient evaluation machinery.' He was satisfied, he said, that he had enough facts in the case to prove the Commission erred in its conclusion that Lee Harvey Oswald acted alone in killing Kennedy.

He also took a poke at the best-selling writer of the hour, William Manchester, who in his book *The Death of a President* arrived at the same conclusions as the Warren Commission.

'Manchester wasn't there at the assassination,' Garrison declared, 'neither was I. But my office has spent

considerably more time investigating the assassination than Manchester did and it is my belief that the man was wrong.'

Garrison's statement was quickly circulated around the world by the Associated Press and United Press International and produced an electrifying effect. In the words of James Phelan of the *Saturday Evening Post* (May 6, 1967):

'On the morning of February 20, a deluge of frantic incoming calls lighted up the telephone switchboard in the outer office of the district attorney of New Orleans, and for the next month it blazed like a pinball machine gone mad. Day after day, calls poured in from across the U.S., from London, Rome, Paris, Berlin, from South America, Mexico, Japan. At times the trunk lines jammed completely. One Moscow journalist made six transatlantic calls without ever reaching Garrison himself. "I dialled twenty-three times before I got the switchboard girl," said another newsman. "She said, 'one moment, please,' and that was the last I heard of her."'

While newsmen, radiocasters, television crews from all over the world crowded his office, Garrison dropped out of sight as suddenly as he had been catapulted into the limelight. For a day or two he could not be found either in his office or at his home and no one would say where he could be reached. There were even fears for his safety, but they proved groundless. Almost literally swamped by the sudden onrush of publicity, Garrison had simply gone into hiding for a breather—and to brace himself for the onslaught from Washington that was not long in coming.

As early as February 20, *The New York Herald Tribune* (Paris) reported:

'An inside source at the Federal Bureau of Investigation said there is not an iota of truth in Mr. Garrison's statement. This source said that before Lee Harvey Oswald was shot he told the FBI about meetings in New Orleans, but that this was checked out and nothing was found to substantiate charges of a conspiracy. He said

the present investigation was simply to further Mr. Garrison's political career.'

The 'inside source' quoted here was in all probability the Director, J. Edgar Hoover, himself. No lower-placed official would have ventured to come out with such a pat statement in a matter of such importance. Besides, this is the unmistakable Hoover style.

How could Mr. Hoover—or any of his subordinates for that matter—have been so sure a few hours after the Garrison investigation had been made public—for that statement was made on February 19—that there was 'not an iota of truth' in Mr. Garrison's disclosures? It was, to say the least, an unusual piece of comment by the top federal law enforcement officer on the official conduct of a district attorney acting within his own jurisdiction.

As to the suggestion that the New Orleans investigation was simply designed to further Mr. Garrison's political career, it is simply beneath contempt. How could any elective officer, least of all a district attorney, hope to further his career by a case made out of thin air ('not an iota of truth in it') which he would have to place before an independent judge and jury at the inescapable certainty of acquittal?

Yet this is the watchword that not only the FBI but every government official in Washington concerned with the case has been handing out to the press since the start of the Garrison enquiry and in spite of its obvious stupidity it has cropped up again and again in thousands of news dispatches, news stories and editorials published both in America and throughout the world.

Even as the news of the Garrison enquiry spread about, President Lyndon B. Johnson, with his unique flair for putting the right man in the right spot at the right time, appointed Ramsey Clark, a native of Dallas, Texas, and a man still with strong roots in that 'murder capital of the world' (Melvin Bélli), Attorney General of the United States, at the ripe old age of thirty-nine.

The young man lost no time bewailing the New

Orleans investigation in tones of righteous indignation ('I find it curious and I find it disturbing and I find it saddening'). He solemnly affirmed his unshakeable faith in the Warren Report and in the sole guilt of Lee Harvey Oswald, without even bothering to look at the case District Attorney Garrison had been building. And on top of it all, he instructed the Federal Bureau of Investigation not to give Garrison an iota of co-operation—a policy the FBI has strictly adhered to ever since, even at the risk of overt contempt of court. As a matter of fact, the FBI proved not only unco-operative, but openly hostile and, in its eagerness to play into the hands of Garrison's enemies, it went so far as to tap the wires of the District Attorney's office, contrary to the law and elementary decency.

When Congressman Gerald Ford, a member of the Warren Commission, suggested on February 20 that Garrison should give any information he might have to the United States Attorney General to pass on to President Johnson, Garrison gave the only possible reply under the circumstances :

'I am running this investigation, not the President, not the Attorney General,' he said. 'We are investigating a conspiracy which appeared to have occurred in New Orleans, and they don't have a thing in the world to do with it. Now, if they want to help me, I'll welcome their help. But I'm not reporting to anybody.'

Garrison also contended that his investigation would be slowed down if federal officers became involved. He knew what he was talking about, for the FBI (as I have amply demonstrated in *Oswald: The Truth* and my other books on the subject) has never exhibited the slightest interest in tracing real murderers of President Kennedy. It has, on the contrary, consistently used all its tremendous power of pressure and dissuasion to bully witnesses into making statements that would conform to the Oswald Hoax and to prevent them from making disclosures that might lead honest investigators in a different direction.



As state and city governments in the U.S. have full authority to investigate crimes in their own areas without the participation of federal authorities—unless, of course, violation of federal law is involved—there was nothing Washington could do, except to mount a massive campaign to discredit and vilify the courageous district attorney. This campaign got under way (and it is still going crescendo) from the very outset of the Garrison investigation. Many examples of this relentless pressure through the news media will be given in the following chapters.

But first, let us have a close look at the extraordinary personality and career of the man who dared to seek the truth where a whole nation had abjectly surrendered to the superior forces of The Big Lie. The man who has made one of the noblest statements to come out of America in a long, long time :

‘The people who engineered the killing of one of the finest Presidents we ever had are walking around today, Not to do anything about it is un-American.’

## *Chapter 2*

### *Meet the 'Jolly Green Giant'*

There is something inherently paradoxical about Jim Garrison's crusade for the truth. Indeed, who among the critics of the patently fraudulent official version of the Kennedy assassination would ever have dreamed that the first beam of light would come from the Deep South? Louisiana may not be the most obscurantist of the Southern States (that honour goes to Mississippi, followed by Alabama), but it has certainly never earned any laurels for daring progressivism. It is one of the principal strongholds of the Ku-Klux-Klan, among other militantly 'conservative' organisations.

Now, however, it is all but certain that Louisiana will earn a place of honour in history, thanks to Jim Garrison. It will have shamed New York and Massachusetts, Pennsylvania and California and all the other states that pride themselves on their enlightenment yet choose to close their eyes to the most transparent travesty of justice in modern times, the Kennedy Murder Fraud.

True, Jim Garrison is not, properly speaking, a Southerner. He hails from the Middle West, for he was born, on November 20, 1921, in Dennison, Iowa. After serving with distinction in World War II as a fighter pilot, he enrolled at Tulane University in New Orleans and stayed on after graduation. He practised law for some years and then, in 1950, joined the Federal Bureau of Investigation. This fact is important for it runs counter to the oft-heard argument that Garrison must be 'anti-federalist' because he opposes Washington on the Kennedy Murder issue. Nothing could be further from the truth. It is not a contest between States Righters and the central government, but one between advocates of official lying and a seeker of the truth.

After another stint of military service in the Korean

war, Garrison returned to New Orleans where he served first as an assistant district attorney and then as an assistant city attorney. He never made much of a splash in those years but lived quietly with his attractive wife and three children in a modest cottage on the outskirts of New Orleans.

It was not until 1960 that Garrison made his first bid for elective office. Having failed to gain election as judge, he worked for the City for another year until he fell out with Mayor Victor Hugo Schiro in 1961. He resigned with fanfare, blasting the Mayor in the local press for laxity in law enforcement. Then he turned on the District Attorney, Richard Dowling, whom he mockingly called 'The Great Emancipator' because he 'lets everybody go free.' He launched himself into the race against Dowling as a reform candidate and won hands down, thanks largely to his dynamic personality, his outspokenness and his photogenic family, always a big asset in any electoral contest. Another contributing cause to his victory was the skilful use he made of his modest campaign funds which he hoarded to the last minute to throw them all into a massed television campaign immediately before the election.

His first four years in office were stormy, for the reformer's lot is not a happy one in a traditionally easy-going and fun-loving city like New Orleans. Garrison was determined to clean up the nationally notorious Bourbon Street with its rows of garishly lit honky-tonks and its manifold tourist traps including a teeming 'B-girl' population and a more than ordinary share of hangouts for sexual deviates.

Organised vice, of course, cannot flourish anywhere without police protection and so Garrison soon found himself embroiled in a running fight with police authorities and eventually even with the criminal judiciary of the city. There were charges of laxity and bribery, followed by the usual countercharges against the way the District Attorney was handling investigations.

In his most serious clash with the powers-that-be,

Garrison waded head-on into a group of eight Criminal Court judges whom he accused of submitting to the influence of racketeers and of spending an undue amount of time on holidays. The judges banded together to bring suit against him for defamation of character and Garrison was fined \$1,000 in the State court. On appeal, however, Garrison won with the contention that he had not exceeded his right of free speech and that judges, like other public officials, were not exempt from criticism of their official conduct. During the hearings, Garrison reportedly followed proceedings with a bored mien, doodling and taking notes for a courtroom farce he intended to write. 'Too bad I'm not Shakespeare,' he sighed, or so the story goes.

When Garrison came up for re-election in 1965, he was opposed by Malcolm V. O'Hara, one of the Criminal Court judges he had battled.<sup>1</sup> Although local lawyers had been laying odds in favour of O'Hara, he was easily defeated by the incumbent by a margin of nearly two to one.

In the first year of his second term, Garrison got into a fight with Aaron Kohn, executive director of the Metropolitan Crime Commission, a non-governmental organisation financed by private contributions. The issue at stake was a shapely striptease dancer named Linda Birgette ('The Cupid Doll') who had been convicted for erotic dancing and sentenced to thirty days in jail. Garrison, who once had come to know the girl in the line of his official duties, felt sorry for her and obtained a pardon for her from his good friend, Governor John McKeithen.

There ensued a homeric row between Kohn and Garrison, the bad feelings then engendered lasting to this day. The MCC thought it inconsistent that a district attorney who had made a reputation as a vice-buster should intercede in favour of a stripper and declared in a published statement that Linda's pardon would

1. The reader should remember O'Hara's name. He will come across it again.

encourage organised crime in New Orleans. Angered, Garrison replied that he was tired of having the MCC blacken the city's reputation by constantly saying that it was in the grip of organised crime and he challenged Kohn to come forward and 'put up or shut up' before a grand jury. No indictments were handed down by the grand jury on the basis of the Kohn material about alleged Mafia activities in the city.

Oddly enough, this legal feud over a stripper's belly-wiggling was also to affect Garrison's Kennedy Murder probe in which Aaron Kohn and the MCC promptly took up cudgels against the district attorney. More about this later.

To his enemies, who are legion and growing more numerous by the day as the assassination enquiry proceeds and grows in scope and significance, the towering (height, 6 ft. 6 in.; weight, 240 lb.) Jim Garrison appears over-ambitious, ruthless, pugnacious and beset with a Napoleonic complex. They point with malicious pleasure to an article written by a Garrison intimate, David Chandler, which appeared in a local magazine called *New Orleans* in November 1966—at a time the district attorney had just launched his undercover probe of the Kennedy murder.

'I asked why there had not been any crime-fighting crusades in the past year,' Chandler wrote. "'Why bother?'" he replied. "I cleaned up Bourbon Street and I didn't get any credit. I never get any credit."

'I said this was untrue and maybe he was a bit paranoiac about it. He livened up. "Paranoiac! Paranoiac!" He picked up the phone and told . . . chief assistant Charles Ward to come in. "Chandler says I'm paranoiac because I say I don't get any credit. Do I get any credit? Am I paranoiac?"

'Charlie said I was wrong. Pleased, Garrison went on, "Another reason we don't have fights any more is we've beaten the people trying to stop justice in New Orleans!"'

This story is generally taken to show that Garrison

does have paranoiac leanings and therefore cannot be trusted. Actually, however, he is obsessed far more with concern for justice than with his own fortunes as the last paragraph of the above quotation clearly shows.

Little did Chandler suspect that the subject of his study at the very moment he proclaimed that all the enemies of justice in the city had been beaten was getting set to tackle the biggest injustice perpetrated in America in our time—the framing of Lee Harvey Oswald for the assassination of President Kennedy.

Garrison's friends and admirers, who are also many, are impressed with his massive frame, his high brow and intelligent (if a little bulging) eyes, his education and charm and his evident sincerity and courage. He is truly an 'incorruptible'—a rare phenomenon in present-day America.

In breeding, erudition and sophistication, Garrison towers head and shoulders above the average American lawman. He is an avid reader with a penchant for the classics and a fondness for pungent or sibylline quotes. Frequently he sits up all night reading books and articles which now that he is engaged on the greatest adventure of his life more often than not have some bearing on the assassination.

Garrison is also an enthusiastic and experienced chess-player, a leaning often to be found among the best sleuths, official or private. He himself has credited his penchant for chess with having played an important part in his Kennedy Murder probe as when he told James Phelan of the *Saturday Evening Post*: 'What it took to solve this puzzle was imagination and evaluation. It was like a chess game—and I once played an expert eight hours to a draw.'

The initiative towards solving the most baffling mystery of our time did not, however, originate with Garrison himself. He has confided to a number of newsmen that the initial impulse came from his old friend, Senator Russell Long of Louisiana. In October, 1966, Garrison and Long flew together from New Orleans to

New York. During the long plane trip, their conversation turned, among other things, to the Warren Report. Senator Long asked his friend whether he had read the Report. Garrison replied that he had not yet gotten around to it.

'You should read it,' Long said, pointing out that Oswald's long stay in New Orleans, in the period immediately preceding the assassination, might have had a significance which the Commission failed to grasp. So, after his return home, Garrison read the Warren Report and then went on to examine the far more revealing twenty-six volumes of testimony and exhibits. It did not take the experienced investigator with the chess player's mind too long to find out that there was something basically wrong with the Commission's 'findings'.

Garrison says of this epoch-making flight with Senator Long : 'Up to that time I had assumed that the FBI had done a competent job, but I found that Long had some doubts about the solution to the Kennedy killing. He is a knowledgeable Washington figure, so I began to have some second thoughts !'

Senator Long, for his part, has been the only prominent politician to back Jim Garrison. In a cautiously worded statement, issued in Washington on February 21, Long said that District Attorney Garrison 'has something' that the Warren Commission failed to uncover about the assassination. He added that Garrison, shortly after Kennedy had been killed, had arrested a person he thought to be involved. The Senator didn't name the person in question, but the record shows that it was David Ferrie.

'But when the press came out and said there was no one connected with Oswald, Garrison let the person go,' Senator Long added.

Here, the Senator is wrong, of course. The press has no power to obtain the release of any prisoner. It was not the press, but the FBI and the Secret Service that were instrumental in forcing the release of David Ferrie from



custody in New Orleans (as will be further explained in the following chapter).

The only other overt support Garrison has received—but it is a weighty one—has come from an unexpected quarter. After the *States-Item* had revealed Garrison's use of a substantial sum of public funds for the purposes of his enquiry into the Kennedy assassination, a group of about fifty well-to-do New Orleans citizens got together to set up a private fund for the financing of further investigation. Only the chairman of this group, which calls itself 'Truth or Consequences of New Orleans, Inc.,' has become widely known so far. He is Joseph Rault, Jr., a wealthy businessman and oil operator.

'Truth or Consequences' has given Garrison virtually a blank cheque for any expenses he may deem necessary to further his investigation. No specific sum has been mentioned but the figure involved is believed to run into five digits.

Garrison will doubtless need all the help he can get. Powerful as he is in physical and official stature, the 'Jolly Green Giant,' as the people of New Orleans fondly call their currently most famous citizen, has taken on a far bigger foe—perhaps one too big for him to handle. In this battle of titans, the odds are heavy against the 'Jolly Green Giant.'

His enemies are implacable. Dire threats of violence, including murder, are pouring in daily on Garrison and his family. In *Ramparts* magazine, William W. Turner revealed this episode :

'Recently the phone rang at Garrison's home. A metallic voice warned his wife, "You have kids—we'll get them on the way to school." Momentarily frightened, she turned to her husband and pleaded, "Jim, don't you think of the kids before you get into these things?" "I do," Big Jim said calmly. "I don't want them growing up in a country that can't stand the truth."'

## Chapter 3

### *The Opportune Death of David Ferrie*

*'A president is no better than anyone else. If I were killed, I'd expect my death to be investigated just as thoroughly.'*

David W. Ferrie—a few hours before  
he was found dead

Jim Garrison has a way of making in the most casual way monumental statements that leave his listeners breathless, panting for elucidation. When he learned shortly past 11 a.m. on February 22, 1967, that his chief suspect in the Kennedy murder case, David W. Ferrie, had just been found dead in his apartment, he told reporters that the deceased had been 'one of history's most important individuals.' He didn't elaborate.

As we have seen, David Ferrie certainly rated being called 'a character'. But why should this seamy, furtive, outwardly grotesque figure deserve a description normally reserved for great statesmen, conquerors or revolutionaries?

If one ponders that sibylline statement, it becomes clear that District Attorney Garrison here either indulged in preposterous exaggeration, or else warily lifted a corner of the veil which still covers his profound knowledge of what really happened at Dallas on November 22, 1963.

Most commentators and editorialists promptly jumped to the conclusion that the phrase meant nothing, that Garrison had just been shooting off his mouth without thinking. In the press, his remark was generally treated as a big joke and was considered *prima facie* evidence of Garrison's unreliability. If a district attorney, supposedly investigating the assassination of a president, could stoop to describe a night-like figure from the slums

as 'one of history's most important individuals,' the only possible inference was, the critics argued, that the man just didn't know what he was talking about. How can you trust so unconsidering an official?

Few people bothered to contemplate the alternative: that Garrison knew something no outsider could as yet suspect or guess; that, in the course of his investigation, he had acquired the certainty that David Ferrie had indeed played a crucial role in history.

What kind of role could that have been? Viewed in the context of the circumstances, it must have been a decisive part in the killing of President John F. Kennedy. Who would deny that world history was made at Dallas on November 22, 1963? Who would contest that 'Oswald' had been 'one of history's most important individuals'?

If I have put the name of Oswald in quotation marks, it was deliberate. For Lee Harvey Oswald never made history, except in the sense that he fell victim to the most vicious frame-up in the annals of criminology. He was, and would have remained forever, one of history's least important individuals, for he had no part whatsoever in the slaying of President Kennedy, but for the fact that he was made the kingpin of the official cover-up that was to crown the 'Crime of the Century'.

What I stated as early as June 1964 in my first book on the subject, *Oswald: Assassin or Fall Guy?*, to wit that Lee Harvey Oswald was the innocent scapegoat sacrificed by powerful plotters, that he had not killed anybody in Dallas on November 22, 1963, but was callously charged with two murders he did not commit, has now been confirmed repeatedly in forceful statements by District Attorney Garrison.

And it is certainly not by chance that the first of these statements—again dropped so casually it attracted little attention despite its tremendous significance—was made by Garrison within twenty-four hours of Ferrie's death when he told reporters: 'I have no reason to believe

that Lee Harvey Oswald killed anybody in Dallas on November 22, 1963.'

Taken in conjunction, these two declarations by Garrison, the one affirming the innocence of Lee Harvey Oswald in the Dallas murders, the other describing David Ferrie as 'one of history's most important individuals,' tell the biggest story any American district attorney has ever revealed. Yet both practically fell flat, what with the ingrained prejudice in the press against all critics of the Warren Report, and the noteworthy lack of emphasis—doubly noteworthy in a man who has been accused of being a publicity-seeker—with which they were made. Thus, what could and should have been the most sensational bombshells of 1967 turned out to be mere fizzles.

As a matter of fact, Garrison's first affirmation of Oswald's innocence on February 23 went practically unreported in the world press, while later statements by him to the same effect received a somewhat larger coverage which nevertheless remained consistently below its inherent news value.

In what sense, precisely, did David Ferrie become 'one of history's most important individuals' through his involvement in the Kennedy assassination? Was he the actual marksman who fired the fatal shot at the President, or at least one of the snipers? Probably not. Nothing of what has been revealed so far in the Garrison probe points to Ferrie as one of the killers.

Wherein, then, lies his great importance in the drama? Garrison gave no hint of it when he issued his surprise statement about Ferrie and he has not yet found it expedient to elucidate it further. Still, in the course of his investigation, the outlines of the role played by Ferrie become visible.

On the basis of what has transpired so far—though it isn't much yet—I confidently predict that the eventual outcome of the Garrison investigation will show Ferrie to have been the executive mastermind of the plan to remove President Kennedy through murder. In other

words, he was the man who conceived, in detail, the strategy of the slaying which included, besides the Dealey Plaza ambush, in Dallas, the elaborate cover-up operation which involved a false Oswald painstakingly framing the real Lee Harvey Oswald by scattering far and wide incriminating clues against the latter, well ahead of the assassination. It was a grandiose plan—as Garrison has also acknowledged—cleverly conceived and perfectly executed, although the Dallas police which was in on the plot (the police chiefs, that is) almost managed to bungle it. Only a brilliant mind could have conceived it—and that mind was David Ferrie's.

He, not Lee Harvey Oswald, was the 'kingmaker' who effected the changeover from the liberal, progressive, basically peace-loving Kennedy administration to the 'conservative' and hawkish Johnson regime, the outstanding characteristic of which is the endlessly escalating war in Vietnam. For better or for worse (take your choice), David Ferrie very definitely did make history in a big way.

Therefore, the moment he was facing exposure by the Garrison probe, it became a matter of self-preservation for the men at the top of the conspiracy to eliminate David Ferrie speedily and unobtrusively. The successful liquidation of Jack Ruby, another key figure in the Dallas drama, by means of instant, generalised cancer, only a few weeks earlier set the stage for the equally deceptive manner in which Ferrie was to be disposed of.

The professional murderers, who so far have taken the lives of more than twenty embarrassing witnesses to the Kennedy assassination and the Tippit slaying, have also taken a heavy toll of the conspirators themselves. Tippit, was the first to go, followed by Oswald, Banister (cf. Chapter 6), Ruby and Ferrie, in that order. In nearly every case, liquidation was swift and unobtrusive, though by varying means, with hardly a trace left of murder. Where there were any clues, the police and prosecuting authorities wisely chose to overlook them, as in the Ferrie case.

Jim Garrison and David Ferrie are old acquaintances. Within seventy-two hours of President Kennedy's death in Dallas, the New Orleans District Attorney had David Ferrie and two of his young friends named Alvin Roland Beauboeuf and Layton Martens under lock and key as suspects in the assassination.

Information involving Ferrie in the crime had come to Garrison from at least two different sources. One was a young man by the name of Edward Voebel, alias Ed Voble, who had been a classmate of Lee Harvey Oswald's at Beauregard Junior High School in New Orleans. At the time, Ferrie was serving as instructor in a Civil Air Patrol unit to which he had recruited both Oswald and Voebel, in 1954.

Immediately after the assassination, Voebel-Voble phoned a friend of his, a TV reporter in New Orleans, to tell him excitedly that he and Oswald had trained together in 1954-55 in a Civil Air Patrol unit then headed by a Captain David Ferrie.

That piece of news would not have cut much ice at a time the wires of the nation were snarled by callers from all over the country who had some story to tell about Lee Harvey Oswald. But Voebel had something else to tell that made his friend prick up his ears. In one of the television pictures from Dallas, the young man reported, he had spotted his former instructor, David Ferrie, in the crowd.

That piece of information seemed worth passing on to the authorities. The TV reporter alerted the Secret Service in New Orleans which, in its turn, put Garrison on the trail.

Garrison's other informant was a private detective named Jack S. Martin who got in touch with the District Attorney's office in New Orleans within hours of the assassination. Martin stated that he had known Oswald, that the presumed assassin had been trained in the use of rifles with telescopic sights by a former pilot by name of David Ferrie and that the latter had visited Dallas about two weeks before the assassination. (It should be noted

in this connection that there are several concordant indications that the murder project was given final shape at a secret meeting at Ruby's Carousel on November 14, 1963.)

The case of Jack S. Martin who, now aged fifty-two, again figures prominently in the Garrison inquiry, is a prime example of the tortuous investigating technique employed by the FBI and the Secret Service in the Kennedy assassination case. In *Oswald: Assassin or Fall Guy*, *Oswald: The Truth* and *Marina Oswald* I have time and again pointed out, and demonstrated with case studies, that the FBI and the Secret Service at no time showed the slightest concern for the truth in their so-called investigations but, on the contrary, employed every possible means of persuasion and dissuasion to make the testimony of witnesses conform to the canned official version. Those who refused to co-operate—they were few—invariably were described in official documents forwarded to the Warren Commission as people afflicted with mental instability, habitual drunks, drug addicts or notorious liars. This was exactly what happened to Jack Martin after he had put the finger on Ferrie and—perhaps more importantly still—on another key figure in the assassination by name of W. Guy Banister.

To this date, the name of Guy Banister is almost totally unknown to the general public although he certainly played a leading role in the assassination of President Kennedy. Clearly, there is a policy in effect in editorial rooms, especially at the press agencies, to fight shy of that name as being too 'hot' to handle.

Guy Banister, a fast-living, hard-drinking brute, a former FBI agent and an assistant superintendent of the New Orleans police, had a stormy past. After resigning from the police force, he had founded a detective agency in New Orleans, 'Guy Banister Associates, Inc.', with headquarters at 531 Lafayette Street. Among those who worked for him were David Ferrie and his two young friends Alvin R. Beauboeuf and Layton Martens.



The most important fact about Guy Banister, however, was also the least known. He was a big wheel in the regional organisation of the Central Intelligence Agency. Most of his work as a 'private detective' was done on behalf of the CIA. I'll deal more fully with this intriguing aspect of the matter in a subsequent chapter.

William W. Turner, in his afore-cited article in *Ramparts* magazine, adds another interesting bit of information about Banister. According to this source, Banister, who was 'noted for his outspoken ultraconservatism,' was also a member, along with his partner Hugh F. Ward, of 'The Minutemen', a paramilitary underground organisation of the extreme Right. All over America, the Minutemen are openly training for terrorist action and they dispose of large caches of arms and ammunition drawn mostly from Army and CIA stocks.

In his investigation of the Kennedy murder, District Attorney Garrison 'will get no help from Banister and Ward,' Mr. Turner writes. For, 'potential witnesses to the assassination secrets seem to have a propensity for dying. In 1964, Banister . . . suddenly died of a heart attack. On May 23, 1965, Ward, a commercial pilot, was at the controls of a Piper Aztec chartered by former New Orleans Mayor de Lesseps Morrison when the craft, engines sputtering, crashed on a fog-shrouded hill near Ciudad Victoria, Mexico. All aboard were killed.'

The deaths of Banister and Ward, followed by that of Ferrie, must be viewed against the background of the twenty-odd Kennedy and Tippit murder witnesses who in quick succession succumbed mostly to sudden heart attacks and a variety of traffic accidents. One must be singularly innocent at heart not to discern a pattern and a guiding hand in all this.

Artificially induced heart attacks or brain haemorrhages, and staged traffic accidents, including plane crashes produced by time bombs, sabotage or other means are standard practice in all major intelligence services, in particular the CIA. With a ruthlessness unmatched even by the NKVD in its worst days, the CIA

eliminates by such means not only enemy spies and couriers, but also those among its own agents who for some reason or another have become a liability, especially persons privy to top secrets who are in danger of exposure. There is no doubt in my mind that Banister, Ward and Ferrie were three unlucky CIA agents deeply steeped in the assassination secrets who were silenced on orders from Washington; Jack Ruby fell into the same category, though on a somewhat different level.

To go back to Jack Martin, he also revealed to the District Attorney's office in November 1963 that Oswald and Ferrie had both been manipulated by Guy Banister and that the latter, on one occasion, had even pistol-whipped Ferrie. According to Martin, Ferrie was also due to pick up the assassins at Dallas, on November 22, 1963, with a private plane he possessed at that time.

Such information as this was most unwelcome in FBI and Secret Service circles and Martin was made to feel it. When the federal agents were through with him, he limply signed statements (or is supposed to have signed them) admitting that his story was a figment of his imagination. One of these papers at least can be found in the open section of the National Archives in Washington. It is a report by Secret Service agents Anthony E. Gerrets and John W. Rice who after interviewing Martin 'at length' in his apartment in New Orleans, on November 29, 1963, state :

'Martin, who has every appearance of being an alcoholic, admitted during the interview that he suffers from telephonitis when drinking and that it was during one of his drinking bouts that he telephoned Assistant District Attorney Herman S. Kohlman and told him this fantastic story about David William Ferrie being involved with Lee Harvey Oswald.

'He said he had heard on television that Oswald had at one time been active in the Civil Air Patrol and had later heard that Ferrie had been his squadron commander. Martin stated that Ferrie was well known to him, that he recalled having seen rifles in Ferrie's home

and also recalled that Kohlman (who had been a newspaper reporter previously) had written an article on Ferrie and that Ferrie had been a Marine and had been with the Civil Air Patrol.

'Martin stated that after turning all these thoughts over in his mind, he had telephoned Herman S. Kohlman and had told his story as though it was based on facts rather than on his imagination.'

Additionally, the two Secret Service men reported they had learned that FBI agents had talked with Mr. Martin three days earlier and that he had admitted 'that the information he had furnished Assistant District Attorney Kohlman was a figment of his imagination and that he had made up the story after reading the newspapers and watching television.'

All this is standard technique of the FBI, the Secret Service—and the Warren Commission—in investigating the assassination of President Kennedy. Any testimony not conforming to the official version is either a lie or a 'figment of the imagination' or it results from too much newspaper reading and television watching. Other noteworthy examples of this crooked investigative technique are—among many others—the case of Stephen Harris Landesberg, which I discussed in *Oswald: Assassin or Fall Guy?*; and the cases of Carroll Jarnagin, Seth Kantor and Mrs. Gertrude Hunter, examined in *Oswald: The Truth*.

Martin, thoroughly browbeaten by the FBI and Secret Service bullies, held his tongue for three years but came forward again after the Garrison investigation had gotten under way. He has formally accused the Secret Service of lying about him and stands by the information which he gave Assistant District Attorney Kohlman in 1963. The corroborative testimony of Ed Voble and Garrison's statements about Ferrie have vindicated Martin and confounded his detractors in the press who keep harping on his description, by the Secret Service agents, as an 'alcoholic' in order to discredit his testimony.

When Ferrie, Beauboeuf and Martens were arrested in November 1963, they made no mention of the fact that they had been operating under the orders of Guy Banister, but stated instead that they were working as investigators for a lawyer named G. Wray Gill. This attorney is known to be one of the 'mouthpieces' of Carlos Marcello, one of the top mobsters in the southern States. Garrison has also established that Ferrie used to pilot Marcello around in his private plane.

The curious link between Mafia and CIA which is established by Ferrie's concurrent services for Banister and Marcello is also confirmed by the Ruby case. Jack Ruby, as I have demonstrated in *Oswald: The Truth* and, in even greater detail, in my French-language biography *La vérité sur le cas de Ruby*, was on one hand a top-ranking Mafia representative in Dallas and, on the other, a CIA operative and paymaster for the same area.

After Ferrie and his two friends had been arrested by Garrison's men on November 24, 1963, the FBI stepped into the picture and demanded that the prisoners be turned over to its custody. Before long, they were all released, after the FBI had 'established' that they had had nothing to do with the assassination.

'We picked him [Ferrie] clean,' an FBI spokesman commented after Ferrie's name had again been thrown into debate as a result of the Garrison enquiry. Another said, 'Allegations of Ferrie's connection with an assassination plot were washed out by the investigations done for the Warren Commission.'

The Warren Report does not mention David Ferrie at all, but the *Hearings* contain two brief references to him in volumes XXII, p. 827, and XXVI, p. 771, which are concerned merely with his activities as flight instructor and his influence on the young men who enrolled in the Civil Air Patrol. Nowhere is there any indication of how the allegations tying Ferrie to an assassination plot in November 1963 had been 'washed out' by Commission investigators.

Fact of the matter is that the FBI 'investigated' Ferrie

twice, the first time perfunctorily in November 1963, the second time at considerable length while the Warren Commission was sitting. These labours resulted in a report of forty pages, no less, which was deposited in the *classified* section of the National Archives, allegedly because publication of what the FBI had learned about Ferrie's life could harm the man's reputation.

This threadbare pretext for imposing unwarranted secrecy has been used by the Warren Commission and the FBI on several occasions when they didn't want the public to know something that would be harmful to their own fraudulent version of the Kennedy Murder. If there were an iota of truth in it, then certainly there should be nothing to prevent publication now that Ferrie is dead. A bachelor, he left no close relatives that could conceivably be harmed by disclosures about his sexual aberrations which were a matter of public notoriety anyway. The only heir to Ferrie's belongings is his young friend Alvin Beauboeuf.

Yet even District Attorney Garrison is still being **denied** access to the FBI report on Ferrie, although he has formally requested it in the line of his official duties. This amazing refusal speaks volumes about the real contents of that forty-page dossier. One does not have to be a mind-reader to guess what is in it: a detailed account of Ferrie's activities on behalf of the CIA, possibly even some hints that he may have been involved in the assassination. That is the real reason why the FBI report on Ferrie has been classified top secret by the Washington authorities, as has any other document clearly pointing towards the truth.

How 'thoroughly' the FBI investigated Ferrie before 'clearing' him, appears from remarks made to James Phelan of the *Saturday Evening Post* by Mr. Garrison:

'You know how you can pluck at a thread and wind up unravelling a whole coat? The thread that unravelled this whole case was the trip that Ferrie made to Houston the day after Kennedy was killed. While everybody in the country was glued to their television sets, Ferrie takes

off with two guys and drives through a thunderstorm to Houston. He told the FBI that he had this sudden desire to go skating, and he knew there was a skating rink in Houston. The FBI checked him out and found that he showed up at the skating rink, all right, and they dropped him. But you know what? *They never even asked if Ferrie put on his skates!* We checked and found that he just stood alongside a wall there that afternoon and told everybody who would listen, "I'm Dave Ferrie." We checked the rink and found that there was a phone on that wall. So it seemed plain that this was the message centre.'

Mr. Phelan was sceptical. 'At the end of ten hours,' he writes, 'Garrison had never explained what the "message centre" was for, who called Ferrie there or whom Ferrie called.'

But this remark does not detract from the validity of Garrison's statement. It is obvious that the district attorney could not explain *everything* to a journalist at that stage of the proceedings. If he considers this incident as so important as to constitute the 'thread that unravelled this whole case,' then he clearly has a pretty good idea what the message centre was for and knows the nature of the phone calls exchanged there.

If Ferrie told the FBI that he had travelled to Houston on a sudden impulse to go skating, he has given several newsmen quite a different story. For instance, George Lardner of *The Washington Post*, who interviewed Ferrie at length the night of his death, says Ferrie had told him the purpose of his trip to Houston and Galveston had been to go 'hunting geese' with his friends.

William Turner, in *Ramparts*, describes the same incident as follows: 'Ferrie also had an alibi, of sorts. A New Orleans attorney is fairly certain that on that black Friday (November 22, 1963) the eccentric little man was in his law office around 12.15 p.m. Ferrie contended he was in New Orleans until late in the afternoon, when he and his two young room-mates left on an impromptu trip to Texas to "hunt geese". On the surface it was a wild

goose chase : the trio drove to Houston on Friday, to Galveston on Saturday, and returned to New Orleans on Sunday—over 1000 miles. But Garrison has witnesses who swear that Ferrie spent several hours at a Houston skating rink waiting by the telephone. It was a curious junket at a curious time, so curious that Garrison, on his own initiative, arrested and held the three for FBI investigation of “subversive activity”.

Philippe Labro, a French journalist who covered the new Garrison enquiry in February 1967 for the newspaper *France Soir* (Paris), and wrote a lengthy series about it, gave some interesting further details about this matter in the issue of his paper dated March 1, 1967. He writes :

‘The day of the Kennedy murder Ferrie suddenly made up his mind to take an automobile trip to Texas, in order to—as he says—go skating at a giant skating rink in Houston, with two friends.

‘On arrival there, he makes several important telephone calls, one of them to a motel in New Orleans (which is managed by a brother of Marcello, one of the Mafia overlords in America). Back in New Orleans, Ferrie at first denies having been to Texas, then recants. Houston is about five hours from Dallas by car, which is quite a distance. However, nobody has been able yet to retrace Ferrie’s comings and goings exactly that day, after he had left Houston and while he was staying in Texas. It should be noted, though, that Ruby made a quick trip to Galveston, a city in Texas (where Ferrie passed) the day of the Kennedy murder.’

According to the German magazine *Quick*, which on April 9, 1967, published a largely fanciful ‘interview’ with Garrison, that nevertheless contained some solid bits of information, the New Orleans district attorney discovered that a close friend of Ruby’s, a man named Breck Wall, also happened to be in Houston and in Galveston at the same time that Ferrie was in both those two cities. And Ruby, according to this source, phoned Breck Wall in Galveston at 11.44 p.m. on the night of November 22, 1963.



Fragmentary as all this information is, and will perhaps remain forever, since all the principals are dead, there is too much smoke here for there not to have been a fire.

After he had launched his new investigation, Garrison, in November 1966, summoned Ferrie to his office for questioning. Ferrie admitted nothing but he was afterwards kept under ceaseless surveillance by Garrison's men, while other investigators from the District Attorney's office swarmed out to Houston, Galveston, Dallas, Miami and other cities, checking every clue concerning Ferrie that had turned up in one way or another.

As the investigation silently proceeded, Ferrie, according to Garrison, became increasingly nervous, and once he even called the office of the District Attorney himself to try and find out what was brewing. By the weekend of February 18, Garrison was all set to arrest Ferrie, but for some unexplained reason the final move was put off until the following week.

'Apparently we waited too long,' Garrison was later to concede ruefully. Indeed, by the time the warrant for his arrest was to be issued, David Ferrie was dead.

On the evening of Tuesday, February 21, two of Garrison's men were keeping a discreet watch on Ferrie's apartment, as they had done for weeks. At about 11 p.m., the lights went out in the apartment. The detectives took this to mean that the suspect had gone to bed and retired.

But Ferrie was not asleep and he was not alone either. He had a visitor, newsman George Lardner of *The Washington Post*. Let us turn now to Lardner's own story as it appeared in the *New York World Journal Tribune* of February 23, 1967:

'I may have been the last person to see David W. Ferrie alive.

'While I talked to Ferrie, once interrogated as the "get-away pilot" for a presidential assassin, he said he was convinced there was no plot to kill President Kennedy and that Lee Harvey Oswald was a "loner".

'Ferrie, one of District Attorney Jim Garrison's prime

witnesses in the investigation of Kennedy's assassin [sic], also said he was convinced the investigation would turn out to be a "witch hunt".

"This is not a city prone to know what it's doing before it arrests people," he declared.

This was the substance of a four-hour interview that I had with Ferrie, ending shortly before 4 a.m. yesterday.

At 11 a.m., just seven hours after I left Ferrie, his body was discovered with a sheet *pulled up to his chest*. [Note: The Associated Press, in a dispatch from New Orleans, February 22, said about the discovery of Ferrie's body. 'He was nude. A bedsheet was *pulled over his head*.'—J.J.]

'As if in a parting gesture, he said: "A president is no better than anyone else. If I were killed, I'd expect my death to be investigated just as thoroughly."

'He then went back upstairs to his room, perhaps to prove the point.'

Ferrie's last words, as reported by Lardner, are noteworthy. A man doesn't say, certainly not to a stranger, 'If I were killed . . .' unless he were harbouring some suspicion that his life was in danger. Ferrie, then, had a premonition that he was going to die—violently.

And just what does Lardner mean with the sentence 'perhaps to prove the point'? In a series of articles which he later wrote for *The Washington Post*, Mr. Lardner rallied to the theory that Ferrie died of natural causes (brain embolism). What, then, was Ferrie going 'perhaps' to prove when he went back upstairs to his room after the interview? That his death, which was to follow quite naturally, a few hours later, was worth investigating?

But did David Ferrie really die after the interview? Two inserts made by the editors of the *World Journal Tribune* within the context of the Lardner story read as follows:

1—Another puzzling aspect of the case developed when Chetta (Orleans Parish Coroner Dr. Nicholas J.

Chetta) said Ferrie's death *must have occurred before 4 a.m. Tuesday*,<sup>1</sup> according to United Press International.

2—(Garrison said the time of death estimated by the coroner and the time of the Lardner interview created a major inconsistency and was 'one of the mysteries we don't understand')

Mystery, indeed. Ponder this amazing time sequence :

At 11 p.m., Tuesday night, February 21, the lights go out in Ferrie's apartment. One hour later, at midnight, reporter George Lardner turns up, is admitted to the apartment and talks with Ferrie for four hours, until 4 a.m. Wednesday. But, by the time Lardner leaves, the subject of his interview, according to the Coroner's report 'must' have already been dead !

According to all normal rules of criminal investigation, this sequence of events would have warranted some intense questioning of Lardner—but is anything normal in the incredible Kennedy Murder case with all of its incongruous consequences? Anyway, this angle, that the person who by his own account was the last to see Ferrie alive and who left his apartment at a time the Coroner says there was a dead body there, might have had something to do with the sudden demise of Ferrie was not even investigated, as far as one knows—apparently on the theory that journalists don't do such things.

What was the cause of Ferrie's death? Garrison and the Coroner are not in agreement on this point. According to Chetta, Ferrie died of a ruptured blood vessel at the base of the brain, while Garrison spoke of 'apparent suicide.'

The suicide theory is based on one hand on the discovery, in the dead man's room, of an array of fifteen bottles containing a variety of pills; and on the other, on an *undated* and *unsigned* note that was found in the dining-room of the apartment. It said, *in part* (for only part of the text has been made public) :

1. Should be 'Wednesday'.

'To leave this life is, for me, a sweet prospect. I find nothing in it that is desirable and on the other hand everything that is loathesome.'

Because of the discovery of so many tablets in his room, toxicological tests were ordered, which proved negative. No trace of any toxic substance was found in Ferrie's stomach, nor did the body show any wound, concussion or other mark of violence.

On the basis of these tests, the Coroner, on February 28, ruled that Ferrie had died a natural death, possibly due to extreme mental pressure. Dr. Chetta called Ferrie 'a psychopath . . . a dangerous individual capable of almost anything,' but stated that he could not have killed himself except perhaps by worrying himself to death under the 'stress and strain' of the Garrison investigation. Ferrie had high blood pressure, he said, and was suffering from a hypertensive cardiovascular disorder.

This medical verdict, based as it is on the absence of any visible traces of suicide or murder, is contradicted by the existence of the suicide note and also by the 'good spirits' in which Lardner found Ferrie when they talked.

On the other hand, Garrison's apparent belief that Ferrie committed suicide is not tenable either under the circumstances. Lardner quotes Ferrie as telling him, 'Kennedy is dead—Let's get on with living,' which is certainly not the way a man about to kill himself would talk.

The third alternative—murder—appears to have been discarded *a priori* by both Chetta and Garrison. Why should it be ruled out?

There *are* ways and means of killing a man without leaving any discernible trace on his body and they are taught as a fine art in all espionage and counter-intelligence schools. The edge of the palm is the deadliest weapon in the world, if wielded by an expert, and it can fell a man at a blow without leaving a trace.

William Turner, himself a former FBI agent, also envisages this solution to the strange case of David Ferrie. He writes in the above-cited *Ramparts* article :

'The bizarre quality of Ferrie's life followed him into death. After being questioned by Garrison, he muttered he did not have long to live. The cause of death, the coroner revealed, had been an embolism at the base of the brain induced by hypertension. *But a brain embolism can also be caused by a deftly administered karate chop to the neck*, a technique which possibly killed Dallas reporter Jim Koethe, who had participated in an enigmatic meeting at Jack Ruby's apartment the night Oswald was murdered.' (For details, see *Oswald: The Truth*, Chapter 13, 'Ruby's Lethal Secret'.)

To be sure, there is no positive proof that Ferrie was murdered, but several circumstances strongly point in that direction. There is no more lethal secret in the world today than the certain knowledge, still shared by a rapidly vanishing little band of people, of why, how and by whom President Kennedy was killed. Ruby, who knew, was skilfully and silently disposed of as the new trial which the Texas Supreme Court had ordered for him was about to get under way. Ferrie, who also knew, could not be allowed to fall into the hands of a district attorney without endangering the safety of the higher-ups in the conspiracy. As always, the motive is the strongest pointer here, even though the identity of the slayer and his backers remain secret for the time being.

Ferrie's remark about 'If I were killed etc.', made only a few hours before his death; his 'good spirits' during the interview with Lardner, which make suicide appear as unlikely as the onset of sudden natural death; even the fact that an ostensible suicide note was found in a conspicuous place all point in that direction.

For a note without date or signature hinting at suicide, such as the one that was found in Ferrie's apartment, could very well have been clipped out of a different context by a murderer and then planted there to cover up for the crime.

One thing is certain : Ferrie's last wish deserves to be granted. His death should be thoroughly investigated—by District Attorney Jim Garrison.

## *Chapter 4*

### *Who Is Clay Bertrand?*

Dean Adam Andrews Jr. is a lawyer who comes straight out of a Marx Brothers or Jerry Lewis film. The roly-poly Andrews, forty-four-years-old, his plump face forever hidden behind huge sunglasses, has a way of expressing himself, even in court, in a lingo no living practitioner of the law can remember ever having heard in an English-speaking country. They say it's 'hip-talk', but I doubt that, too. At any rate, Andrews outhips the hippies when he is holding forth, which is one of his favourite occupations.

On July 17, 1967, Dean Andrews spoke at a press club luncheon in New Orleans to tell newsmen about his current tribulations, which are many, and they all stem from the Kennedy assassination. For Andrews, it was a polished address, yet full of picturesque statements. In answer to a query as to how he ever got involved in this mess in the first place, Andrews said :

'I was going fishing, but was just sitting at my desk day-dreaming when this character Lee Harvey Oswald walks into my office. I stayed to listen to the guy because I thought I'd make some bread. But I haven't made any bread. I should have gone fishing.'

After this promising start, Andrews really went into pictures :

'Now I'm like a harpooned whale hauled on to the beach. I can't get away. I got nowhere to go.'

He said the FBI expects him to remember when Oswald walked into his office. 'They expect me to open a sixteen-cent file on every character that comes in.'

He also claimed to have been 'the original critic' of the Warren Commission because 'I told them what I thought'.

Then he ventured a prediction : 'And I may be the

only cat in history that's indicted, tried and convicted in the assassination of President Kennedy.'

Andrews was right, or nearly so. He may not be the 'only cat', but he certainly was the first. Indicted in mid-March for perjury, he was found guilty by a jury on three counts, on August 14, and four days later was sentenced to eighteen months in prison. He appealed the sentence and was provisionally released on a \$2,500 bond.

The poor man has other troubles. One of them he described to the press club in these terms: 'You have fat old ladies sticking you in the behind with pins asking why you don't tell Big Jim the truth.'

That is the root of his troubles. Andrews should have told Big Jim the truth. God knows why he didn't. Maybe he was afraid. One can't really blame him for being afraid. Andrews, also, knows too much for his health. And he really wasn't asking for trouble. Just wanted to go on day-dreaming, fishing and making a bit of bread until that fateful day in the summer of 1963 when Lee Harvey Oswald chanced to stroll into his office, to consult him about a 'yellow paper discharge'.

Summoned before the Warren Commission, Andrews related that one day in the summer of 1963—he couldn't remember the exact date—'Oswald came into the office accompanied by some gay kids. They were Mexicanos. He wanted to find out what could be done in connection with a discharge, a yellow discharge . . . when he brought the money I would do the work, and we saw him three or four times subsequent to that, not in the company of the gay kids. He had this Mexicano with him . . .'

'Gay kids' (homosexuals) were not a novelty in Andrews' legal life. As a matter of fact he operated a sort of turnstile law practice primarily intended for their benefit. Asked to estimate the volume of this business (for Andrews seldom, if ever, kept records of his clients), he replied: 'Last week there were six of them . . . Depends on how bad the police are rousting them. They shoo them in. My best customers are the police . . . God bless the police.'

There was a time when Andrews' law practice was still innocent of 'gay kids', but it ended when a mysterious character who called himself Clay Bertrand got in touch with him to enlist his help for some young friends of his who were in trouble with the law. Andrews was supposed to obtain either bond or parole for them, and he usually delivered. Andrews told the Warren Commission he assumed that Oswald had also been sent to him by Clay Bertrand.

The day after the assassination of President Kennedy, Andrews told Commission Counsel Wesley J. Liebeler, who interviewed him on July 21, 1964, that Clay Bertrand phoned him again, asking the lawyer to defend Oswald at his forthcoming trial. But Andrews, in his own words, felt 'squirrely' that day and was due to go to hospital. So he referred the case to a friend of his, a lawyer named Monk Zelden. The next day, Zelden called Andrews at the hospital to tell him: 'Your client doesn't need a lawyer any more. He's dead.'

While Andrews was at the hospital, under heavy sedation, he claims, somebody broke into his office and rifled it—but this may have been just an expedient way of telling the Warren Commission why he kept no records on Oswald or any other of his clients.

As soon as Andrews was released from the hospital, the FBI went to work on him. In retrospect, it seems highly significant that they appeared determined to efface from his memory any thought that he had ever heard of a man named Clay Bertrand. For, Andrews, in a call he made to the Secret Service from his hospital bed, on November 25, 1963, had reported his first encounter with Oswald and the two more visits by the latter that followed. In doing so, he also dropped the name of Clay Bertrand as the 'lawyer without briefcase' who had referred Oswald to him.

The name of Clay Bertrand apparently electrified the FBI, but not into action on this new clue. On the contrary, they put heavy pressure on Andrews to forget that



name, suggesting to him—again—that it must have been a 'figment of his imagination'.

Andrews' dealings with the FBI—the 'Feebees', as he called them—left a vivid impression on him which he imparted to Mr. Liebler in these words :

'You can tell when the steam is on. They are on you like the plague. They never leave. They are like cancer. Eternal.'

They finally wore down Andrews' resistance to the point where he agreed to let them write in their report whatever they pleased. All he wanted was to be left alone, so would they please get it over with and close their file on him? This they did after forwarding to the Warren Commission a report stating that Andrews had admitted that Bertrand did not exist.

When Mr. Liebler, taking Andrews' sworn deposition, suggested that 'in your continuing discussions with the FBI, you finally came to the conclusion that Clay Bertrand was a figment of your imagination?', Andrews indignantly replied : 'That's what the Feebees put on.'

Andrews had good reason to trust his own recollection more than the word of the FBI, for, only six weeks prior to his appearance before the Warren Commission, i.e., around June 7, 1964, he had once more encountered his 'figment of imagination' very much in the flesh. He told Liebler that he had run into Clay Bertrand, 'a swinging cat', by chance, in a 'little freaky joint'—Cosimo's bar in the French Quarter of New Orleans.

'I was trying to get past him so I could get a nickel in the phone and call the Feebees,' Andrews related to Mr. Liebler. 'But he saw me and spooked and ran. I haven't seen him since.'

The Warren Commission, in their Report, deprecated Andrews' testimony, taking, as always, the FBI account for granted. They were not impressed either by the fact that two former employees of Andrews, a private investigator named Preston Davis and his secretary Eva Springer corroborated Andrews' testimony concerning Oswald in important details. Neither one of these

important witnesses was heard by the Commission, but they were both interviewed by the FBI. According to one FBI report, 'Davis advised that he cannot positively state that Lee Harvey Oswald was ever in Andrews' office, but after viewing numerous photographs of Oswald on various TV programmes, can state that he is vaguely familiar and may have visited Andrews' office. In addition, he can recall Andrews' mentioning to him on various occasions that an individual named Oswald had been to Andrews' office.' Furthermore, Davis told the FBI he recalled that in June 1963 Andrews 'discussed with him the procedure to amend or correct an undesirable discharge from the Marine Corps...'

As for Eva Springer, while she did not remember a visit to the office by Oswald, she 'recalls Andrews' speaking to her briefly about someone being interested in changing a discharge from the Marine Corps,' the FBI also reported on December 6, 1963.

The FBI, one gathers, is not much interested in the question of whether or not Lee Harvey Oswald did visit the office of Dean Andrews, in June 1963, for the purpose of having his undesirable discharge from the Marine Corps amended—but it hotly discourages anybody talking about 'Clay Bertrand'.

Andrews, for his part, is very much interested in Bertrand—at least he still was at the time he testified before the Warren Commission. He said to Liebler: 'There's three people I am going to find: One of them is the real guy that killed the President; the Mexican; and Clay Bertrand.'

He also voiced regret at having let Bertrand get away when he met him again briefly in Cosimo's bar: 'What I wanted to do and should have done is crack him on the head with a bottle . . . I probably will never find him again...'

Andrews, in his testimony, also made light of the accepted version that Oswald alone, with three well-placed shots, killed President Kennedy. Speaking as a former soldier who had also had five years of experience

as an ordnanceman in the Navy, Andrews expressed the opinion that 'that boy couldn't do it'. He went into considerable technical and ballistic detail to substantiate his point. All of which did not endear Dean Andrews to the hearts of the Warren Commission which dismissed his testimony as unreliable.

If the FBI and the Warren Commission were keenly interested in the non-existence of Clay Bertrand, District Attorney Garrison, by contrast, not only wanted to know all about him, but insisted that Andrews reveal his true identity. This Andrews would not do and he had solid grounds for reticence. For, as he explained to lawyer Mark Lane, author of *Rush to Judgment*, when the latter tried to interview him, 'I can't talk about the case. I called Washington and they told me if I said anything I might get a bullet in the head...'

Getting a bullet in the head is not a nice prospect for a man who just wants to day-dream, go fishing and make some bread. So Andrews clammed up—but now he was in real trouble. On the one hand 'Washington' was threatening to blow his brains out; on the other, Jim Garrison was holding the threat of perjury over his head.

While the Warren Commission, true to its implicit assignment to suppress the truth at all cost, had paid no attention to Andrews' disturbing revelations, Garrison saw an important lead in them. There is reason to believe that it was Andrews' testimony before the Commission which provided the initial spark that set the Garrison enquiry in motion.

If Clay Bertrand was *not* a figment of Andrews' imagination—and the evidence, properly evaluated, indicated that he was not—Garrison reasoned, then he must have been involved in a conspiracy with Oswald, and possibly others, if he had taken such a personal interest in the fate of the accused killer.

Or could it be that there was some Machiavellian scheme afoot to prejudice Oswald's case irreparably by palming off on the defendant, as counsel, a shyster given to hip-talking and clowning and whose manners were

bound to affect adversely a jury probing into the 'Crime of the Century'?

Whatever Bertrand's motive may have been in trying to secure Andrews' legal services for the accused killer, the suspicion was strong that he was somehow involved in an assassination plot.

But who was Clay Bertrand? No such name figured in the telephone directory or any other source of reference available to the district attorney. Evidently, then, it was an assumed name concealing another identity.

Andrews was no help in the matter. He only knew Bertrand as Bertrand, he said, and that was that.

It is not known yet who or what provided the original clue to Garrison's investigators for thinking that Clay Bertrand was an alias used by one of New Orleans' most prominent citizens whose real name was Clay L. Shaw.

Curiously, the 54-year-old former business executive on whom Garrison's suspicions settled, a hard-faced man with rugged features, steely eyes and a square chin, had much in common with the prosecutor himself.

Both are uncommonly tall men. Both served in Europe during the last war and attained the rank of major by the end of hostilities. Both figured prominently in the small Social Register of New Orleans, which counts only thirty-odd names. And neither of them is a native of Louisiana. While Garrison is by birth a Midwesterner, Shaw is a typical 'Boston Brahmin', educated at Harvard.

Shaw had been for nineteen years executive director of the New Orleans International Trade Mart; he had done a great deal for the development of the city's port facilities; and he was considered a patron of the arts who, among other things, had helped restore the old French Quarter of New Orleans, the 'Vieux Carré'.

A bachelor, Clay Shaw was also something of a social lion in fun-loving New Orleans. He used to toss lavish cocktail parties in his tastefully furnished villa at 1313 Rue Dauphine, in the heart of the French Quarter,

which is surrounded by a small park dotted with statues, fountains and a balustraded swimming pool.

He had many social ties also in Europe, and was well-known in London society. Charles Greville, writing in the *Daily Mail* of March 17, 1967, gave these details: '... Lord Oranmore and Browne's niece, Olwen, who knew him when she lived in America with her first husband, Wayne Harriss, told me: "He visited me and my present husband when he was in London a couple of months ago."

'She added: "He stayed at the Carlton Tower Hotel and looked up all his friends in Belgravia. One of them is an MP.

"He knows a lot of people in this country. He came first during the war and dined with Churchill and all that sort of thing.

"He was very good to me when I was in a spot of bother in America. He would take three hours off to come with me to my lawyer, for example, just out of friendship.

"As head of the International Trade Mart in New Orleans he was terribly busy, but he always found time to be kind to me and his other English friends out there. When I left I gave him my parrot, named after Dorian Gray.

"It is quite inconceivable that he should have been involved in a plot to assassinate President Kennedy. We've all written to him telling him we all believe in his innocence."

'Shaw is interested in the theatre and was planning to buy plays for production in London and America.'

So far the chatty and inconsequential part of what Mr. Greville found out about Shaw's connections with London society. But the reporter learned of something else which may have great significance:

'Yesterday I discovered that at the time he was arrested in District Attorney Jim Garrison's probe Shaw was planning to return to England and *set up home in*

*London next month,' Mr. Greville wrote (italics mine—J.J.)*

Now that is really interesting. So Clay Shaw was going to move to England just as Garrison's men were closing in on him. Could it be that he was on the run—or was about to be?

In 1966, Shaw retired as director of the Trade Mart, in order to devote himself entirely to his artistic and literary interests, or so he said. But he remained a board member of a pseudo-commercial firm which calls itself the 'World Trade Center Corp.' and is active in various parts of Europe and Africa.

*And this 'World Trade Center' has been identified as a front organisation for the Central Intelligence Agency!*

When Garrison on February 23, told reporters, 'My staff and I solved the assassination weeks ago. I wouldn't say this if we didn't have the evidence beyond a shadow of doubt. We know the key individuals, cities involved and how it was done,' he met with general incredulity. Newsmen frequently prodded him to say when he would pounce with arrests. Garrison jokingly put them off: 'Oh, maybe in thirty to forty years.' In fact, his first, and a most sensational, arrest was only a few days away.

On the morning of March 1, Clay Shaw was summoned to the office of District Attorney Garrison. He told friends he thought the DA wanted to question him about the time Lee Harvey Oswald was distributing pro-Castro leaflets in front of the International Trade Mart in New Orleans.

But Garrison had other fish to fry. At the end of a five-hour interrogation, about which little has transpired, Shaw was arrested, at 5.45 p.m., on charges of conspiracy to assassinate President Kennedy. After arraignment, he was released on a \$10,000 bond.

While Shaw was in custody, the DA's investigators performed a minute search of his home, carting off a great variety of articles and papers the significance of which was not immediately apparent. However, a statement by Garrison's office to the effect that in Shaw's

cellar a black hood and cape, a black gown, a black net-type hat, several whips, chains and pieces of rope had been found warrants the conclusion that Shaw's life included some exercises not normal in high society and that he even may have led a sort of double life.

The following day, the District Attorney's office also claimed that Clay Shaw was none other than Clay Bertrand, whom Dean Andrews had once described as the 'queen bee' of New Orleans perverts.

These disclosures, following on the heels of similar revelations made about David Ferrie, set the world press agog and produced a spate of stories which for the most part completely distorted the true nature of the investigation Jim Garrison is conducting. The element of sexual aberration was emphasised out of all proportion, while at the same time the political significance was played down or completely ignored.

In the American press, the prevailing mood was one of sympathy for Clay Shaw, if for no other reason than simply because any development striking at the roots of the Warren Report was unwelcome to the news media which are, with very few and small exceptions, firmly wedded to the Establishment.

Jim Garrison was not overly impressed by this antagonism.

'I have no doubt about the case,' he told reporters. 'There will be more arrests, and they will hold up. If you bet against me, you will lose.'

But Garrison was not over the hill yet—not by a long shot. A powerful opposition saw to it that his path to The Truth remained strewn with rocks and snares.

One of the first obstacles on his road was the rotund figure of Dean Andrews. If Garrison had hoped to get some help from the talkative shyster, whose hearty dislike of the FBI he had come to share, he was sorely mistaken. Andrews, mindful of what 'Washington' had told him, searched his memory in vain for any recollection that would help to identify Shaw as Bertrand. Under questioning, he began to tell all kinds of stories about

Bertrand, none of which jibed with the preceding one. His accounts even varied as to the size, the colour of hair and the features of the man he had come to know as 'Bertrand'.

As he rattled on, Bertrand became shorter and shorter in his mind—and therefore more and more unlike the towering Shaw.

'I'm not a boy scout who measures them,' Andrews indignantly replied when confronted with evidence of his contradictions.

If he was evasive and unco-operative at first, Andrews before long became openly hostile and, in the process, changed from professed inability to identify Shaw as Bertrand to a 'Shaw ain't Bertrand' stance and finally to the deliberately false identification of a total stranger to the proceedings as being Bertrand.

At the outset, Andrews, pressed by Garrison's staff, had contended that he just didn't know whether Shaw and Bertrand were the same person.

Subpoenaed to appear before a grand jury, he repeated this story and was promptly indicted for perjury—the first of three such indictments to descend on his head.

Next, Andrews took to telling anybody who would listen, 'Clay Shaw ain't Clay Bertrand, and I'm the only one that knows it,' which earned him a second indictment for perjury.

The third and final indictment came after Andrews had been caught up in the National Broadcasting Corporation's big propaganda offensive against the Garrison investigation, which will be detailed in Chapter 11.

In testimony before the grand jury on June 28, Andrews repeated the false story he had given the NBC reporters,<sup>1</sup> to wit that the Bertrand he had known was a forty-two-year-old bar owner in the French Quarter named Eugene Davis.

1. The National Broadcasting Corporation (NBC) is one of the three major television companies in America, each with a nation-wide coverage.



Davis, who had been for many years a good friend of Andrews, exploded with an indignant denial.

'The recent statements by Andrews identifying me as Clay Bertrand are utterly and completely false and malicious and damnable,' he declared in a statement published on June 29. 'They are lies without justification.'

After this blast, Davis rushed to the office of District Attorney Garrison to repeat his denial under oath. As a result, Andrews was again charged with perjury on July 18 and, as has been said before, was convicted and sentenced in August on all three counts.

As a fine example of the way Andrews kept talking and testifying at random, here is an excerpt of his questioning before the grand jury on June 28 by Assistant District Attorney James L. Alcock, as reproduced from the New Orleans *States-Item* of July 18, 1967 :

Q. Dean, do you know the real Clay? . . .

A. The man, I believe, is Gene Davis, and if you ask him he'll call me a crocus sack of lies . . .

Q. Now, what leads you to believe that this is Clay Bertrand?

A. Because I believe it. I am the only one who has to account for myself.

Q. What basis do you have?

A. Helen Gert [who Andrews explained worked with Davis in his bar years ago] back in the 'fifties, at the fag [homosexual] wedding reception I was telling you all about, introduced me to Davis as Clay Bertrand.

[In earlier testimony, Andrews said he originally met Betrand at a 'fag' wedding reception]

Q. And this was the man that was introduced to you as Clay Bertrand?

A. Right.

Q. Have you talked to this man on the phone recently?

A. I talk to him almost every day. I have known him a long time.

Q. Your testimony now is that this is the man who sent the clients to your office? Talked to you on behalf of homosexuals?

A. This is the man who sent clients to my office; sometimes they were fags, sometimes they weren't.

Q. Is this the man who called you in the hospital and asked you to represent Lee Harvey Oswald?

A. This is the man I believe called me. I believe . . . what you all believe is your affair . . .

(Question by a grand juror.)

In your mind, this is Clay Bertrand? The man who called you down through the years representing homosexuals?

A. No, he didn't do it that way. That's the way I said it, put it into the Warren Commission report—everybody picks it up from there and goes with it. I never said it other than in the Warren Report . . .

(Questioning by Assistant DA Richard V. Burnes.)

Q. I asked you if you ever heard from Clay Bertrand after the time you were called about representing Lee Oswald in the assassination and the answer was 'I ain't seen nor heard of him since.'

A. Not from Clay Bertrand, 'cause I call him Gene Davis. You are right, I told you that, and I ain't seen hide nor hair of him nor heard from Clay Bertrand—other than one time I remember when I was with Regis [apparently a reference to FBI man Regis Kennedy] up there. I call him Gene. I was introduced to the man one time.

Q. Did this man change appearance and change personality with the name change?

A. No.

Q. He still looked the same?

A. No, he has changed, he is fat like me. He has aged. Time has gone by. This has been ten . . .'

It is not really very hard to see that Andrews is here lying in his throat, under oath. First he says of Clay Bertrand, 'I ain't seen nor heard of him since', i.e., since Bertrand had phoned him on November 23, 1963; then he turns around and says, 'I talk to him almost every day,' i.e. to Gene Davis, the man he identifies, in the same breath as Clay Bertrand.

Accordingly, the bill of information drawn up by the District Attorney's office on the basis of that information stated that 'the statements enumerated above are willfully false and untrue.' The jury thought so, too.<sup>1</sup>

Outside the courtroom, when asked by reporters why he had withheld his identification of Davis as Bertrand so long, Andrews replied, 'How would you like to have your brains knocked out and be busted down to your toes?'

The Davis hoax went over smoothly with the National Broadcasting Corporation which, in a programme aired in the latter half of June, proudly announced that its reporters had been able to establish that Clay Shaw was not Bertrand. NBC went on to say that its newsmen knew the real name of Bertrand who was 'a well-known New Orleans businessman,' whose identity the network wished to withhold for the time being. But his name had been forwarded to the U.S. Department of Justice, the broadcast added.

According to the New Orleans *States-Item* of June 29, 'Davis, a part owner of Wanda's Seven Seas bar at 704 Iberville, said he was contacted by two Federal Bureau of Investigation agents "a day or two after the NBC broadcast".' So there can be no doubt whatsoever that NBC had passed on Davis' name to the Department of Justice as part of Andrews' lying story. This is a typical example of how the news media have been consistently perverting and distorting the truth about Garrison's investigation. The story that NBC could prove that Clay Shaw was not Clay Bertrand and that the name of the real 'Bertrand' had been turned over to the Department

1. The story of Dean Andrews' trial for Perjury, held in August 1967, will appear in the author's next work, *The Clay Shaw Trial*.

of Justice went the rounds of the world press and the foreign radio network, but nary a finger was lifted anywhere in the world to correct the story when its utter falsity had been proved in New Orleans. That's the way the Garrison enquiry has been 'reported' all along.

The two federal agents met Davis at a local drugstore, he recounted, and identified themselves with FBI credentials. They first showed him photographs, he said, and asked him if he recognised the pictures. Davis said he did not.

Later, he added, they asked him if he 'ever used the name Clay Bertrand or had known of anyone else who used that name.'

'I said "No,"' Davis declared.

'Before they left,' he continued, 'one of the men told me, "I feel sure that you're not Clay Bertrand".'

In an interview with the New Orleans *Times-Picayune* (June 30, 1967), Davis made an important additional disclosure. He said:

'The only time I have ever spoken to Dean Andrews and the name Clay Bertrand was mentioned was when Dean Andrews called me on the telephone which was *after Clay Shaw was indicted* and during the course of the conversation he asked me if I had ever known anyone by the name of Clay Bertrand or could I assist him in helping him to find a Clay Bertrand.'

It is clear enough from all this that Andrews, who at first had wanted to promote the search for the truth about the assassination, as the record of his dealings with the Warren Commission shows, later became a helpless tool of the forces that are determined to suppress the truth forever.

He kept protesting his innocence, sometimes with his habitual jive talk, sometimes even using the King's English.

'Garrison thinks I have the key to some locks,' he once exclaimed. 'The fact is I don't even know where the locks are.'

On another occasion he said, 'You've got the right ha

ha, but the wrong ho ho.' This was to become his most famous dictum.

To be sure, Andrews is a victim of circumstances. He was drawn against his will into a web he had not helped to spin and entangled himself further with every attempt to extricate himself.

By the time the Garrison enquiry got started, the corpulent Andrews, father of two girls and with his wife expecting a third child, had achieved a fairly comfortable position in life. He had been for some time assistant district attorney of Jefferson Parish (County), a suburban area of New Orleans. In mid-March 1967, just prior to his first indictment for perjury, he was suspended by District Attorney Frank H. Langridge. At the end of June, he resigned for good, saying he wished to revert to his private law practice.

Before long, he was heard complaining that Garrison's tactics, especially the string of perjury indictments, had crippled his law practice.

As a result, Andrews told reporters, he had been forced to take on a second job, acting as master of ceremonies and sitting in on the bass fiddle at Mahogany Hall, 522 Bourbon Street, a traditional jazz house.

'I don't mind it,' he commented, 'because I dig that bit.'

He always did belong in show business, of course, rather than in the legal profession.

\* \* \*

To the intriguing question, 'Who is Bertrand?' the U.S. Department of Justice, thoroughly opposed as it is to the Garrison probe, had already given a clear-cut answer long before the NBC helpfully came along and blurred the trail with the fictional Gene Davis story. And that answer clearly and unequivocally, was : Clay Bertrand is Clay Shaw.

That astounding admission came about in a devious manner and it received the least possible publicity in the

world press. On March 3—two days after Shaw's arrest—a Washington correspondent for *The New York Times*, Robert E. Semple Jr., reported that an un-named Justice Department spokesman had said his agency was convinced 'that Mr. Bertrand and Mr. Shaw were the same man.'

Semple's enquiry with the Justice Department had been prompted by a statement issued the day after Shaw's arrest by U.S. Attorney General Ramsey Clark to the effect that Shaw had been investigated in 1963 and cleared of any complicity in Kennedy's assassination.

After this statement was issued Semple immediately went to the National Archives and searched through all the available documents there. When he could find no reference to Shaw in any of the papers stored there, the *Times* man returned to the Justice Department and asked the basis for Clark's statement.

It was then that he was told that the reference had been to 'Bertrand' and that the Department was convinced that Shaw was Bertrand and 'that was the basis for Mr. Clark's assertions this morning.'

Before long, however, the Department of Justice got cold feet and back-tracked in undignified retreat. In the words of Jim Garrison (they are contained in a formal motion filed with the District Court in New Orleans on July 5):

'The United States Attorney General, Ramsey Clark, falsely stated to the national public within days of the arrest of Clay Shaw that Clay Shaw was investigated by the FBI and that he had been cleared. This false statement has been subsequently retracted by the Justice Department along with its identification of Clay Shaw as Clay Bertrand.'

This matter was included in the motion in a category of 'false charges and statements designed to wreck this case,' which prompted the office of the District Attorney to ask the court for an early trial date in the case of *Louisiana v. Shaw*.

It is hard to tell for sure what prompted the Depart-

ment of Justice to reverse an allegation made by no less a person than the Attorney General himself. Nor is it possible for an outsider to say which of the two statements really is the false one : the earlier or the later one.

In either event, the Department of Justice has been caught lying and in either event the case of Clay Shaw has been damaged, perhaps irreparably. For, either he stands identified, on the highest federal authority, as Clay Bertrand, as the original statement has it; or else it is proved that he never was cleared in November 1963, as his supporters in the press keep alleging.

## Chapter 5

### *The Testimony of Perry Russo*

'Even in the sombre setting of a courtroom, New Orleans District Attorney Jim Garrison's spectacular investigation of the assassination of John F. Kennedy was barely distinguishable from a circus sideshow.'

These are the opening lines of a story which appeared on March 24, 1967, in *Time* under the heading 'THE D.A. WINS A ROUND.' It deals with the preliminary hearing of Clay Shaw before a panel of three judges presided over by the Senior Criminal Court Judge of New Orleans, Bernard J. Bagert, on March 14 and is typical of the biased and slanted reporting by the press that has marked the Garrison investigation throughout.

What basis did *Time* have for the serious charge that a formal pre-trial hearing conducted by three independent judges, with all the normal safeguards of American jurisdiction, was 'barely distinguishable from a circus sideshow'? None whatsoever, except the editors' own prejudice in the matter.

Indeed, the 'circus sideshow' is substantiated by *Time* as follows :

'In a hearing to determine whether retired businessman Clay Shaw, fifty-four, should be tried on charges of conspiring with Lee Harvey Oswald and others to murder the late President, "Big Jim" produced only two prosecution witnesses. One was a confessed heroin addict. The other was a young insurance salesman whose impeccable clothing concealed a mind in considerable disarray and whose memory had to be jogged by means of hypnosis. Yet their testimony was enough, in the view of a three-judge panel in Orleans Parish Criminal District Court, to establish "probable cause" and require Shaw to stand trial ...'



A confessed heroin addict is not necessarily a false witness.

And the allegation that the impeccable clothing of Garrison's principal witness at this hearing, the twenty-five-year-old insurance salesman Perry Raymond Russo of Baton Rouge, La., concealed 'a mind in considerable disarray' is just as unwarranted and gratuitous. It is even contradicted by other observers at the pre-trial hearing whose general attitude towards Garrison is just as antagonistic as that of *Time*. Thus, for instance, James Phelan wrote in the *Saturday Evening Post* of May 6: 'Dark-haired and sombre, the twenty-five-year-old salesman proved a polite and imperturbable witness,' and states later in his article that Russo was 'calm, cool and collected.'

To Jim Garrison, Perry Russo apparently was something of a windfall. He was not one of the District Attorney's original witnesses and much has been made in some parts of the press of the fact that Russo did not come forward until the day after Garrison had made the statement saying that he had solved the assassination 'weeks ago,' and had added that he knew the 'key individuals... involved.'

The way this sequence of events was presented in the anti-Garrison papers, it was made to look as though the District Attorney had been shooting off his mouth without a shred of evidence, on February 23, hopeful that something would providentially fall into his lap, as Perry Russo did the following day.

There is of course another possible explanation. There are many indications that Garrison has not yet divulged all, or even most, of the evidence he has. He would not have been acting and talking as he has without holding something very important in reserve. Evidently he already had in his possession material evidence, or maybe another key witness, against Clay Shaw, when he claimed to have solved the case, and before Russo was heard from, and he plans to spring this surprise ace-in-the-hole at the forthcoming trial.

On February 24, Perry Russo called up newspaper and television reporters in Baton Rouge and told them he had read about Garrison's investigation and that he had known Ferrie well. He said he had visited Ferrie many times and knew him to be 'so obsessed with Kennedy' that he had sometimes talked of killing him.

Asked whether he had also known Lee Harvey Oswald, Russo replied 'no.' This answer was subsequently used by many Garrison critics to imply that Russo was a liar, for, at the preliminary examination of Clay Shaw, it turned out that Russo had attended one meeting with Ferrie and Shaw at which a man who called himself 'Leon Oswald' had also been present.

Immediately, Russo's detractors jumped to the conclusion that the young man had told a lie when he first disclaimed personal acquaintance with Lee Harvey Oswald. Actually, there are two different people involved here, as will be explained further on in some detail. 'Leon Oswald' was not Lee Harvey Oswald but an impostor who had impersonated Lee Harvey for the purpose of framing him later on.

According to some reports, it was Russo who, after being subpoenaed by Garrison's office, first put the finger on Clay Shaw, but this seems doubtful to me. George Lardner Jr. of *The Washington Post* is one of those who have been spreading this story, claiming that the identification of Clay Shaw as Clay Bertrand was carried out in 'gangster style' by Garrison's investigators.

Russo, according to this version, is supposed to have accompanied Garrison's men to the home of Clay Shaw in the French quarter of the city. He is said to have knocked on the door and, when Shaw came out, to have introduced himself as a salesman for an Omaha insurance company, ostensibly for the purpose of soliciting business, but in reality in order to identify Shaw as Bertrand.

This version presupposes that Russo not only knew that the man he had known as Clay ('Clem') Bertrand was Clay Shaw, *but also where he lived.*

Actually, there is nothing in Russo's testimony to suggest that he was aware of the real identity of the man he had met at Ferrie's apartment or that he had any idea of where he lived. Garrisons' office, therefore, must have had some knowledge of Shaw's involvement in the case, and of his whereabouts, before Perry Russo came into the picture.

The biggest huliabaloo was raised in the press over the fact that Russo, prior to the pretrial hearing of Shaw, had undergone sodium pentothal ('truth serum') tests and hypnosis at the request of the District Attorney. By dint of slanting and innuendo, the impression was created in the papers that Garrison thereby had indulged in unfair investigating tactics and prompting of his star witness and that he had been caught at it red-handed.

Two facts of crucial importance were ignored or side-stepped by Garrison's detractors: first, that these investigative aids—their use is widespread in America, even though their value is a matter of controversy—were applied by medical officers under Court supervision; and second, that Garrison at no time made the slightest effort to conceal the fact that Russo had been subjected to such tests. The Coroner of Orleans Parish, Dr. Nicholas Chetta, himself testified at the Shaw hearings, on March 17, that Russo had undergone hypnosis through the use of sodium pentothal on February 28 at Mercy Hospital; on March 2 in the office of Assistant District Attorney Charles Ward; and on March 12 in the Coroner's own office.

Dr. Chetta was followed on the stand by Dr. Esmond Fatter who testified that he had questioned Russo three times under hypnosis. Both these experts stated that hypnosis was effective in sharpening the memory of a witness and enabling him to recall past events.

The story Russo told in court, on March 14, was detailed, consistent and delivered in a calm, courteous voice. At no time was the witness confused or shaken by the deft attacks of chief defence counsel F. Irving Dymond, who was assisted by three other lawyers.

Dymond concentrated his efforts on showing that the witness was a mental case of sorts. For instance, he belaboured the issue of psychiatric treatment which the witness admittedly had undergone around 1960. Russo replied that he used to visit a psychiatrist during that period 'when I needed to talk to someone', adding that he had not seen one this year. He emphatically denied a suggestion by defence counsel that he had once attempted to commit suicide.

At one point, this exchange developed between Dymond and Russo :

LAWYER : Do you believe in God?

WITNESS : How do you define God?

LAWYER : Give us your own definition.

WITNESS : God is everything, the entity of the universe, me, you, everything.

LAWYER : You took an oath to tell the whole truth and nothing but the truth, and how do you define truth?

WITNESS : I think I would be telling the truth to the best as I knew it under penalty of the law.

LAWYER : Under penalty of God?

WITNESS : God is everything. He is you, me, everything. I consider my oath a promise to God, to myself, to everyone in this room.

At this point, presiding Judge Bernard J. Bagert cut off this line of questioning by drily commenting : 'This is not a catechism class. Let's move on out of this area.'

The gist of Russo's testimony was that he had known David Ferrie since 1960 and had frequently visited him in his apartment. On one such occasion, in mid-September 1963, he had gone there accompanied by his girl friend, Sandra Moffit. There was a party in progress, attended by some eight people. They included, beside the host, David Ferrie, an elderly, white-haired man of distinguished appearance whom he came to know as Clem Bertrand; a sloppily dressed, dirty and unshaven indi-

vidual who called himself 'Leon Oswald'; and two Cubans in battle fatigue dress who were introduced to him as 'Manuel' and 'Julian', in addition to Sandra and himself.

Russo had seen the young man who called himself Leon Oswald once before, in the summer of 1963, at Ferrie's apartment. He had watched him then, polishing a rifle with a telescopic sight mounted on it—one just like Lee Harvey Oswald's Carcano. He testified that the youth was surly and seemed 'antagonistic' towards him (Russo).

Russo had no more luck when he saw 'Oswald' again at the mid-September party in Ferrie's apartment. That night, all the others had drifted off, after a while and Sandra, too, had gone home, leaving Russo alone with Ferrie, Shaw and 'Oswald'. He overheard the latter saying to Ferrie 'what the hell is he (Russo) doing here?' Ferrie replied that Russo was all right, 'he doesn't know anything.' So Russo stayed on to become a witness at one of the most intriguing conspiratorial meetings in modern history.

At this juncture the question inevitably arises: Was Russo in on the plot to kill Kennedy which he was to describe in detail, three and a half years later, at the pre-trial examination of Clay Shaw?

He has denied it, of course, but in this matter some scepticism is warranted. Key witnesses for the State are often granted immunity by the prosecution and it would not be surprising, therefore, to learn at some later date that Russo had been somehow involved, though he may not have played an active part in it.

Russo's explanation of why he had failed to come forward earlier with his knowledge of the conspiratorial goings-on at Ferrie's apartment is not convincing either. 'I have never pushed myself on anybody,' he declared and added, somewhat airily, that with 'every screwball in the street' talking to the Warren Commission, he had felt he could do without such company.

Be that as it may, the story Russo had to tell about

what happened after the others had left the party sounded impressive, even to three judges—a fact always to keep in mind in considering the merits of the Garrison investigation.

David Ferrie, it seems, was the life of the party—when that party ceased to be a social affair and began to turn instead into a discussion of ways and means to assassinate the President of the United States. Vividly gesticulating as he spoke, Ferrie was holding forth on the need for more than one gunman in the assassination attempt, for such an attempt could be carried out successfully only through ‘triangulation of crossfire’: he discussed the ‘availability of exit’ and pointed out that ‘one of those there on the scene would be a kind of scapegoat—one had to be sacrificed’ in order to give the other gunmen time to escape. And, one of the snipers was to fire merely to attract attention, while the others were to place ‘the good shots’.

Escape was the main subject of conversation after Ferrie had concluded his blueprint of the assassination—one that was faithfully carried out, a few weeks later, in Dealey Plaza in Dallas. Ferrie declared himself in favour of a flight to Brazil with a refuelling stop in Mexico or—but this would have been riskier—a quick hop to Cuba. In this connection, it must be said that Ferrie, who had for years been training anti-Castro guerrillas can hardly have had in mind a flight to Havana, where he and his fellow-plotters would certainly not have been received with open arms. Perhaps he thought that he might find a niche in the Escambray mountains, where some anti-Castro guerrillas were active at the time, for subsequent evacuation by the CIA.

Bertrand didn’t like Ferrie’s ideas on the subject, Russo related. He thought the news of the assassination would spread too fast to permit a long flight. His objections were rudely interrupted by ‘Oswald’, who snarled at him: ‘Shut up and leave him alone—he’s the pilot’.

‘A washed-up pilot’, was Bertrand’s parting shot before retreating into dignified silence—a clear-cut allusion to

the fact that Ferrie, a few months earlier, had been dismissed from his job with Eastern Air Lines.

Later, a television interview Russo had given to a Baton Rouge station on February 24 was played in court. In it he quoted Ferrie as telling him, only a month before the assassination, 'We will get him (Kennedy), and it won't be very long.'

The climax of the hearing came when Garrison asked Russo whether the Bertrand he had met at Ferrie's apartment was in the courtroom. Without a word, the witness walked over to the place where Clay Shaw was sitting and held his right hand above the latter's head. Shaw did not flinch or protest.

In press accounts of the hearings, Russo was severely taken to task for his failure to tell reporters in Baton Rouge right away that he knew Oswald, while later acknowledging that he had met a person of that name at Ferrie's apartment.

Quite apart from the fact that a witness is under no obligation to tell newsmen everything he is going to testify about in court, the main issue here is that 'Leon Oswald' was *not* Lee Harvey Oswald at all. This capital fact, which was clearly brought out in the proceedings, has been simply ignored by the press. In all but a few of the published accounts, the issue is blurred to the point where hardly any reader would have been able to deduce that there were two different 'Oswalds' involved.

Take for example the way this important matter was presented in the above-cited *Time* story :

'Shaw's lawyers also noted that Russo said in the TV interview only last month that he did not know a Lee Harvey Oswald. Why had he changed his story? Simple. The "Leon" Oswald he met had a four-or five-day stubble. He had not connected "Leon" with "Lee Harvey" Oswald, he said, until the DA's office spent several hours drawing whiskers on photographs of Oswald. "We tried beard after beard," Russo said.'

This whiskers incident has been widely used in the slanted press accounts to ridicule Russo's testimony and

to make him appear an unreliable witness. Actually, what happened is this : After Russo had come forward to say that he had known Ferrie well, Garrison sent one of his aides, Assistant District Attorney Andrew L. ('Moo') Sciambra to Baton Rouge to interview the witness on February 25. Sciambra had various photos of Oswald with him which he showed to Russo. The latter denied, as he had done before, that he had ever met this man. Amidst the collection of Oswald pictures, always showing the clean-shaven, simply but neatly dressed young man Lee Harvey Oswald was, there was one of a person with almost identical features but who looked untidy and wore a several days' growth of beard.

At the sight of this photo, Russo immediately exclaimed : *'That's not Oswald, that's Ferrie's roommate.'*

In almost all press accounts, both in the United States and abroad, this key phrase, strikingly illuminating as it is, was omitted, leaving the reader puzzled and in the dark.

In further questioning of Russo, the fact that the man who called himself 'Leon Oswald' was not Lee Harvey Oswald, but looked very much like him was again brought out by one of Garrison's assistants; after Russo had been shown pictures of the real Oswald and had again disclaimed knowing this man, the assistant took a pencil and sketched a stubbly beard on one of the genuine Oswald pictures. The result amazed even Russo : yes, that was the way the man he had met at Ferrie's apartment looked.

All this was deliberately twisted around and distorted in the newspapers and magazines so as to make it appear that Russo had contradicted himself under oath on the key question of whether or not he knew Oswald.

But there *was* no contradiction. Russo never knew the real Lee Harvey Oswald, but he had known a bearded individual who called himself 'Leon Oswald' and who, minus his stubble, would have looked the spitting image of Lee Harvey. This was the False Oswald who played a



key role in the Kennedy drama, as I have shown in detail in *Oswald: The Truth*.

It is particularly worthy of note that a 'Leon Oswald' had already figured in testimony before the Warren Commission given by a Cuban woman named Sylvia Odio who lived in Dallas (see *Oswald: The Truth*, pp. 96-97. A man who used that name, and who was accompanied by two Cubans or Mexicans, had visited Mrs. Odio's home on September 26 or 27, 1963, and had later been quoted by one of his companions as advocating the assassination of President Kennedy. The Warren Commission established that Lee Harvey Oswald 'could not have been in Dallas on the evening of either September 26 or 27, 1963,' clearly indicating that 'Leon Oswald' was not Lee Harvey Oswald but somebody else.

The same issue of timing arose again during the Shaw hearings when Russo was asked when was the last time he had seen 'Leon Oswald' in Ferrie's apartment. 'End of September or middle of October,' he replied. Counsel for the defence promptly seized upon this reply to try and impugn the credibility of the witness. For, hadn't the Warren Report established that Oswald had not set foot in New Orleans after September 25, 1963?

The Warren Report? All three of the judges in the case agreed that it was inadmissible as evidence in judicial proceedings.

'If we are going to accept the Warren Report as factual, then we have wasted a week of time,' Judge Bagert declared near the end of the hearing.

Another judge, Mathew S. Braniff said of the Warren Report: 'It is fraught with hearsay and contradictions.'

'And that's putting it mildly,' Bagert commented.

A few days later, Judge Edward A. Haggerty Jr., who had been appointed to preside at the trial of Clay Shaw, also said the Warren Report could not be admitted as evidence at that trial.

He told a news conference in his office on March 25, 1967, that the main reason the Report could not be used was that neither the District Attorney nor the defence

would have a chance to cross-examine witnesses named by the Warren Commission.

'I don't have time to read the Warren Commission report,' the judge added, 'and I think it best that I don't read it. Possibly, subconsciously, I might prejudge the case because of it.'

Regardless of how one feels about the validity of the Warren Report—and no one could hold it in lower esteem than this writer—it is an established fact, nevertheless, that Lee Harvey Oswald never returned to New Orleans after September 25, 1963.

However, contrary to the opinion expressed by the lawyers for the defence, this fact does not show Russo up as a liar but merely corroborates what has been said above and what must indeed be clear as day to anybody with an open mind who has studied the case : 'Leon Oswald' was not Lee Harvey Oswald.

The other witness at the pre-trial hearing, a twenty-nine-year-old Negro named Vernon Bundy, said he knew nothing of any conspiracy, but he once saw Shaw and Oswald together on the New Orleans lakefront (Lake Pontchartrain), in the summer of 1963. The two men were talking and eventually the witness saw the elder man handing the younger one a roll of banknotes. Bundy identified Oswald from pictures and pointed in the courtroom to Shaw as the man he had seen with him. He said he had gone to the lakefront to give himself a 'fix'. Why this fact of (former) addiction to narcotics should detract from Bundy's credibility is hard to see for any unbiased observer. 'Junkies' are generally perfectly lucid, especially before the injection, and their standards of veracity are not much different from those of the average person, except perhaps where heroin is concerned.

At any rate, the three judges were so impressed with the concurrent testimony of Russo and Bundy that they *unanimously* agreed that there was 'probable cause' a crime had been committed, as charged by the District Attorney, and decided to bind Clay Shaw over for trial.

On April 5, Clay Shaw was formally arraigned before

Judge Haggerty. He pleaded not guilty. The judge gave the defence thirty days in which to file motions and the state an additional thirty days to file answers to these motions.

While the judicial machinery began slowly grinding away, a spirited battle for or against Garrison got underway in the public prints and on the airwaves, with the odds weighted heavily against the maverick prosecutor. He held his own, though, and engaged his opponents in accordance with the old maxim that to attack constitutes the best defence.

## Chapter 6

### *The CIA in the Dock*

Even to those familiar with the subject, the Kennedy assassination at times appears to be a gigantic jigsaw puzzle. There are so many people involved, one way or another, and so many seemingly disparate events occur, that one is apt to shove the whole thing aside in disgust as a mystery that just can't be solved.

It is only when one has come to realise that the guiding hand behind it all was the Central Intelligence Agency that the myriad of pieces begin to fall into place and the blurred picture comes into focus.

Most seemingly inexplicable happenings in the world that have an important political effect are the work of intelligence agencies operating behind the scenes. Reduced to its simplest terms, the Kennedy Murder was staged by the CIA, with the complicity of key figures in the Dallas police, the FBI and the Secret Service (on the local level). Its principal purpose was—as District Attorney Jim Garrison has bluntly stated in a nationwide TV broadcast on July 15, 1967—‘to obtain a radical change in our foreign policy.’

How? By replacing Kennedy with the then Vice-President Lyndon B. Johnson. That is the self-evident, the only possible conclusion one can draw from this Garrison statement.

I had hinted at such a set-up as early as 1964 in my first book on the subject, *Oswald: Assassin or Fall Guy?*, and later developed this theme in detail in *Oswald: The Truth* and *Marina Oswald*, but of course I could do no more than draw logical conclusions from obvious premises which the whole world deliberately chose to ignore. My thoughts on the case were indignantly rejected by all observers, including the Warren Commission, as ‘wild speculation’, ‘irresponsible rumour-mongering’, ‘ghoulish

delight in the assassination' and so forth. Even severe critics of the Warren Report like Mark Lane in America and Professor Hugh Trevor-Roper in England took me to task for going too far, much too far. They couldn't conceive that such a solution to the mysterious 'Crime of the Century' was possible.

Since then, however, the step-by-step disclosures of the Garrison investigation have borne out to the hilt every essential assertion I have ever put forward about this case: that President Kennedy was killed in a crossfire, with the 'good shots' coming from the front, from the grassy knoll area; that Lee Harvey Oswald was only a fall-guy who had nothing to do with the shooting; that the CIA was behind the whole thing; and that the Warren Report was a 'fairy tale', as Garrison was to dub it in his TV broadcast of July 15.<sup>1</sup>

For understandable reasons, Garrison has been slowly and cautiously approaching the subject of CIA involvement in the case. After all, he is an important official and the prestige of the United States is at stake in the matter. But Garrison, despite his evident initial hesitations, eventually rallied to my view that truth and justice are more important than considerations of national prestige. 'The CIA is now publicly in the dock, in the Garrison probe, and Judgment Day is not far away.

The first clear-cut indication that Garrison was going to implicate the CIA came when the New Orleans *States-Item*, on April 25, 1967, published a front-page article with the four-column bannerline: EVIDENCE LINKS CIA TO DA PROBE.

The story began as follows:

'Do the long tentacles of the Central Intelligence Agency reach deep into Dist. Atty. Jim Garrison's Kennedy death plot investigation?

'There is mounting evidence they do, and at least one

1. Part I of my German-language book *Die Wahrheit über den Kennedy-Mord* is entitled 'Das Märchen des Warren-Berichtes' (The Warren Report Is a Fairy Tale). The book was published in September 1966, before the start of the Garrison investigation.

Garrison probe figure intends to use CIA connections as part of his defence.

'Still others linked to the Garrison investigation have been named as acting for the super-secret espionage organisation—as informers, as couriers and munitions carriers.

'Even the investigation's pivotal figure fifty-four-year-old Clay L. Shaw, has had CIA connections attributed to him. Shaw, charged with complicity in Kennedy's death, was linked with the CIA by an influential Italian Newspaper...'

The paper then introduced a new character to the already crowded Kennedy murder scene, a man named Gordon Novel, and said of him that he had 'the strongest CIA ties'.

Novel was described as a twenty-nine-year-old one-time New Orleans bar owner and electronics expert who 'has told a number of friends and intimates he was a CIA operative and will use this role to battle Garrison's charges.'

What *direct* connection Gordon Novel is supposed to have had with the Kennedy murder is not immediately apparent from the *States-Item* story, nor has it as yet been stated publicly by Garrison—except that he considers Novel as an 'important material witness' in the case and wants to talk to him. The very first indication of this interest, in the form of a subpoena to appear before the New Orleans Grand Jury, on March 18, was enough for Novel to get out of town fast and flee to Ohio.

Garrison then tried the indirect tack, for he apparently was loath to reveal what he may already have known about Novel's involvement in the assassination plot, as he would have been required to do for purpose of extradition.

Instead, he charged Novel with conspiracy and burglary in a mysterious munitions theft which occurred about August 1, 1961. According to Garrison, Novel, Ferrie and a Cuban exile, forty-four-year-old Sergio

Arcacha Smith, formerly of New Orleans and now of Dallas, conspired to burglarise a bunker at an abandoned military base at Houma in Terrebonne Parish, not far from New Orleans. The bunker was leased by the Schlumberger Well Services Co. of Houston, Texas.

Novel, in a series of public statements, admitted the gist of these charges, but presented the matter in a different light. According to him, the munitions theft was no burglary at all but a war materials pick-up made at the direction of his CIA contact, for use in raiding operations against Cuba. In one of his press conferences, he called this murky affair 'the most patriotic burglary in history', only to be immediately shushed by his lawyer, Jerry Weiner.

Mystery shrouds the exact date of this operation, which was carried out by Novel, Ferrie, Arcacha Smith and several other Cubans. Not even Garrison knows the day, for all pertinent records have disappeared. According to Novel, it didn't happen at all after the Bay of Pigs, as Garrison claims, but some time *before* that disastrous CIA invasion attempt in Cuba.

The *States-Item*, in its story of April 25, gave the following details :

'On the day the munitions were picked up, he [Novel] says, he was called by his CIA contact and told to join a group which was ordered to transport munitions from the bunker to New Orleans. The key to the bunker, he says was provided.

'He says he made the trip in his own automobile, a Lincoln, and met several people there—all of them allegedly acting for the CIA. He identifies them as Ferrie, Arcacha, *and another figure in the case*. [This could be a covert reference to Clay Shaw, for under the trial guidelines laid down by Judge Haggerty, the paper would not be allowed to mention Shaw's name in discussing a possible crime—J.J.]

'They loaded the boxes of ordnance on trucks, he continues, and returned to New Orleans where the explosives were dropped in three spots—Ferrie's home, Novel's

office building and the office of a stormy former FBI agent and New Orleans police official, Guy Banister, who died of a heart attack in the summer of 1964.

'A friend of Banister's, a man whose word is considered reliable, told a reporter in New Orleans he saw fifty to a hundred boxes of munitions in Banister's Lafayette St. office early in 1961.

'Banister was a private detective then, operating a company called Guy Banister Associates. His friend said he saw the munitions in a store-room-office, in boxes marked with the name "Schlumberger".

'He says five or six of the boxes were open. Inside, he says, were rifle grenades, land mines and some "little missiles" of a kind he had never seen before. The friend said he remonstrated with Banister because "fooling with this kind of stuff could get you in trouble." He added :

' "Banister said no, it was all right, that he had approval from somebody. He said the stuff would just be there overnight, that somebody was supposed to pick it up. He said a bunch of fellows connected with the Cuban deal asked to leave it there overnight."

'Banister's friend said this happened well before the April Bay of Pigs invasion.

'The munitions, Novel says, were picked up and consolidated soon after the New Orleans drops. He says they eventually were taken by boat to Cuba for use in a diversionary operation stage in conjunction with the Bay of Pigs attack.

'Cuban sources in New Orleans say the cadre of Cubans trained by the CIA on the city's West Bank in 1961 was sent to Varacoa to make a diversionary assault. The attack did not come off because Castro militia was waiting and took the group prisoner.'

A typical CIA operation from beginning to end, which strikingly illuminates the environment in which Ferrie, Shaw and other suspects in Garrison's Kennedy death plot investigation were operating.

From the legal point of view, of course, this 'war materials pick-up' by CIA agents was nothing but an



ordinary burglary and it was on this ground that Garrison obtained warrants of arrest against Novel and Arcacha Smith. A long battle for extradition ensued which will be discussed in the following chapter.

Gordon Novel is a versatile CIA character. He also operated, by his own account, a so-called 'Evergreen Advertising Agency' as a front for CIA communications. Says the *States-Item* :

'With funds funnelled to him by the CIA, Novel says he prepared special radio commercials used on 300 stations in the U.S. and Canada. Their cryptographic messages, he claims, were to alert agents to the (Bay of Pigs) invasion date. The commercials advertised aluminum Christmas trees, he says, and the key alert code names were "Star Christmas Trees" and "Holiday Trees". In late 1960, \$72,000 worth of radio time was placed by the agency.'

One cannot help wondering what became of all the orders for Christmas trees that must have been pouring into the advertisers.

On May 5, the New Orleans *States-Item* came out with another spate of fascinating disclosures about CIA operations in that city.

OSWALD AGENT FOR CIA, DA WILL SEEK TO PROVE was the full-page banner-headline of this story. Underneath it, there was a rogues' gallery of pictures : Lee H. Oswald, David W. Ferrie, Guy Banister, Sergio Arcacha Smith, with the legend : 'All Linked to Central Intelligence Agency or anti-Castro activities.'

The most curious part of this front-page display, however, was the picture of a massive three-storey building standing on a street corner, with this caption :

'This weathered granite building at the corner of Camp and Lafayette Streets was spotlighted today by District Attorney Jim Garrison's Kennedy death plot investigation. It was both the headquarters of right wing anti-Castro activities and the address Lee Harvey Oswald

used on pamphlets he distributed here for the pro-Castro Fair Play for Cuba Committee. The arrow at right points to entrance at 531 Lafayette, the arrow at left to 544 Camp.'

A cosy set-up which the Warren Commission conspicuously overlooked. There through one door goes Lee Harvey Oswald, ex-'defector' to the Soviet Union and self-appointed chairman of a one-man 'Fair Play for Cuba Committee' (which I have characterised in all my books, starting with *Oswald: Assassin or Fall Guy?*, as a transparent CIA and FBI cover). Somewhere in that big building he turns out a stack of 'Hands off Cuba!' pamphlets which he then distributes right in front of Clay Shaw's International Trade Mart.

Through the other door of the same building moves a swarm of CIA agents and anti-Castro Cubans: Guy Banister and his partner Hugh Ward; David Ferrie and Clay Shaw; Sergio Arcacha Smith, who from this same building ran two anti-Castro organisations, one called 'Cuban Revolutionary Democratic Front', the other 'Crusade to Free Cuba'.

Oswald and these gentry could hardly have avoided bumping into each other daily in their common headquarters building. As a matter of fact, 'The DA's office is said to have questioned witnesses who reported seeing Oswald, Banister, Arcacha, and the late David W. Ferrie together in the building', the *States-Item* reports.

This is just another example of how carelessly, even stupidly, the CIA often operates, for all its murderous cunning. Putting Oswald and his 'committee' up in the building occupied by a host of easily identifiable CIA agents and anti-Castro Cubans was the height of folly. It took a Warren Commission to be fooled by such ineptitude.

The opening paragraphs of this story in the *States-Item* read:

'Dist. Atty. Jim Garrison's Kennedy death plot investigation will seek to show that accused presidential assassin Lee Harvey Oswald was not a Communist, but an under-

cover agent who aided the cause of anti-Castro Cubans here.

'The revelation came from informed sources today as additional evidence pointed increasingly toward a deep involvement of U.S. Central Intelligence Agency activities among certain principals in the DA's continuing inquiry.

'Garrison's investigation is said to have taken a definite trend toward what are believed to be indications that persons employed by the CIA were responsible for Kennedy's death.

'Sources close to the Garrison probe painted a picture of Oswald which was diametrically opposed to the one sketched by the Warren Commission.

'The Warren Commission . . . showed him (Oswald) as a confused, Communist-oriented young man who was driven to kill Kennedy by a deep need for public recognition.

'If Garrison's reported conclusions are proved correct, however, the Warren Commission would be refuted, not only by the existence of a plot but by Oswald's active participation in CIA-sponsored anti-Communist activities.

'His activities in behalf of the pro-Castro Fair Play for Cuba Committee here during the summer of 1963 are believed by the DA's office to have been no more than a cover for his real job as an operative who worked closely with militant anti-Communist Cuban groups . . .'

The *States-Item* again proved to have been well informed. The following day, May 6, Garrison for the first time openly attacked the CIA. In a formal statement, the District Attorney accused the CIA of having produced a 'fake photograph' when the Warren Commission asked for a picture of Oswald and a 'Cuban companion' leaving the Cuban embassy in Mexico City. He said the picture of Oswald and a burly Cuban was taken by a concealed camera operated by CIA agents.

'When the Warren Commission asked for photographs of Oswald and his companion,' Garrison declared, 'the

CIA presented the picture of a balding, stocky, middle-aged gentleman who obviously was neither Lee Oswald nor his companion.'

'During the Warren Commission testimony,' Garrison added, 'the director and deputy director of the CIA were very careful never to mention that they had produced the wrong picture.'

This fake photo, Garrison said, 'is now immortalised in the Warren Report as "Photograph of an Unidentified Man"'. (Commission Exhibit 237).

Fakery is, of course, one of the principal occupations of the CIA, along with espionage and murder. So is perjury, a grave instance of which was committed by the CIA official who palmed off this fake picture on the Warren Commission.

'The testimony which CIA authorities gave the Warren Commission necessarily must be taken with a grain of salt,' Garrison commented, putting things very mildly.

On May 10, Judge Bernard Bagert, at Garrison's request, signed a subpoena enjoining Richard Helms, director of the CIA, to appear before the New Orleans grand jury the following week to answer questions about the CIA's investigation of the Kennedy murder and to produce the genuine photo taken by his agents in front of the Cuban Embassy in Mexico City early in October 1963.

Helms simply ignored the subpoena and there was nothing the judge could do about it, for the CIA is practically above the law. If one can get away with murder, as the CIA literally does day in day out, it is no problem to get away with contempt of court.

Concurrently, the U.S. Department of Justice also defied the New Orleans authorities investigating the Kennedy death plot. After Garrison had obtained a subpoena directing Regis Kennedy, a key FBI man in New Orleans, to appear before the Grand Jury, U.S. Attorney Louis C. Lacour quickly moved to have the subpoena quashed on technical grounds. Garrison wanted to question Kennedy, who, along with former FBI agent Warren De Brueys, had been manipulating Oswald during his stay

in New Orleans, about Lee Harvey's undercover role with the anti-Castro Cuban forces. Kennedy had also been instrumental in obtaining the release of David Ferrie, after the latter had been turned over to the FBI by Garrison's investigators in November 1963.

'Obviously what is happening is that the federal agents involved are taking the Fifth Amendment,' Garrison commented on Regis Kennedy's refusal to testify before the Grand Jury.

'This isn't going to stop our investigation,' he added. 'There's no way in the world they can stop it. All they can do is slow it down.'

On May 8, the *States-Item* published an exclusive interview with Garrison that produced some exceptionally outspoken statements by the District Attorney about the Kennedy Murder cover-up jointly practised by the CIA and the FBI.

In this interview Garrison asserted that the two federal intelligence agencies had deliberately duped the Warren Commission by flooding its members with a gush of irrelevant information in order to obscure the truth. In spite of their detailed knowledge of Oswald and his associates in New Orleans, Garrison said, 'these agents have remained silent while none of Oswald's significant contacts were called before the Warren Commission. They remained silent while the men on the Warren Commission were presented an endless parade of trivia, from Oswald's grades in grammar school to a study of his hairs.'

What was conspicuously missing from the material presented to the Commission, Garrison pointed out, was any mention of significant evidence relating to 'active Cuban revolutionaries and to federal agents who had close contact with them.'

Despite his own running feud with the New Orleans press, Garrison stated:

'The recent *States-Item* article concerning Lee Oswald in New Orleans, his association with anti-Castro Cubans and the role of United States intelligence agencies in New Orleans in 1963 is essentially correct. Oswald's Fair Play

for Cuba actions in New Orleans constituted a *transparent sham*. These actions were designed as a cover, while he was in fact engaged in no Communist activity whatsoever. His associations here were exclusively—not merely frequently, but exclusively—with persons whose political orientation was anti-Castro, all of whom were plainly connected with federal agencies here.’

Of Oswald’s associates in New Orleans Garrison said that they were ‘involved in a variety of revolutionary activities, ranging from planning guerrilla strikes to procuring ammunition for smuggling into Cuba.’ These activities, Garrison charged, were carried out with the full knowledge and consent of the CIA and the FBI.

He also said : ‘Federal agents were in close proximity to and well aware of these activities. *They would positively—not just probably*—know of Oswald’s total involvement with these individuals engaged in anti-Castro planning and operations.’

All this throws glaring new light on the hypocritical, inhuman, indeed utterly indecent way in which Oswald was treated while in captivity. As I have always asserted, without, however, being able to adduce proof other than that available from circumstantial evidence and unbiased reasoning, the Dallas police and the federal agents who questioned Oswald in detention were perfectly well aware of his role as an undercover agent for the CIA and the FBI. They callously threw to the wolves a young man who had served them loyally, if somewhat ineptly, over a long period of time.

The treachery and ignominy of the CIA’s and the FBI’s conduct towards their own agent, Lee Harvey Oswald, is so monumental it will haunt the Washington Government till the end of time. It has laid bare, before the eyes of the whole world, a degree of moral degradation in official circles and of cynical contempt for the most elementary dictates of human decency unmatched since the days of Adolf Hitler.

District Attorney Garrison himself used strong words to castigate the guilty parties, not so much because they

used and abused Oswald beyond all tolerable limits, even in 'intelligence', but primarily because they helped to put over on the world the most vicious official hoax of all time, The Kennedy Murder Fraud. Garrison put it this way :

'The federal agents who concealed vital knowledge regarding President Kennedy's assassination, *and their superiors* who are now engaged in a dedicated effort to discredit and obstruct the gathering of evidence in the case, are *guilty of being accessaries after the fact to one of the cruellest murders in our history.*'

Being an accessary after the fact, in a case of murder, is a most serious crime. Where the assassination of a President of the United States is concerned, it is one of the gravest felonies in the book.

In another context, Garrison has vowed that he will relentlessly pursue *all* accessaries after the fact in the assassination of President Kennedy, no matter how high-placed and powerful they may be.

It is doubtful of course whether a lone district attorney is able to accomplish such a herculean task. Most of the top culprits are safely ensconced in Washington, far out of Garrison's jurisdiction and effective reach. They are, to all practical intents and purposes, immune.

Only Congress could act to bring these criminals to book and such a development, if it ever comes about, would seem to be far away in the future. For the present Congress is not just a 'do-nothing' one but one dedicated to the principle : Let them all get away with murder as long as they can—and the Devil take the hindmost.

An aroused public opinion also might be able to do the job, but the prospect that influential news media will ever throw their weight into the battle for truth and justice in the case is just as remote as the hope of action from Congress.

Besides, too many of the nation's leading editors have a personal stake in the perpetuation of The Kennedy Murder Fraud. They, too, have long since become accessaries after the fact, having through their own means

gained clear knowledge that the official version of the assassination is untrue and having contributed, through their silence, to the impunity which the real murderers of the President enjoy to this day.

Indeed, if Garrison, through some miracle, were able to make true his promise to bring *all* accessories after the fact to justice, he would have to arrest hundreds of prominent politicians, law-enforcement officers, lawyers, newsmen and so forth.

In a way, then, it is the very proportions of the crime which, in this case, makes the pursuit of justice impracticable and virtually grants immunity to all concerned. But they will be exposed, every one of them—and let them live with their consciences after that.

Garrison, however, seems undaunted by the terrifying dimensions of the job he has shouldered. He appears confident that he can win.

To be sure, he takes a more limited view of the range of responsibilities than I do. Whereas I have always held, and continue to hold that the Warren Commission is guilty, down to the last man, of deliberate fraud, Garrison inclines to the opinion that the Commission was duped by the FBI and the CIA and in consequence rendered an erroneous verdict.

He told the interviewers from the *States-Item*: 'It is my considered judgment that the members of the Warren Commission did not know that significant evidence was being withheld from them. I am sure that they did not know, for example, that a picture of Oswald at the Cuban embassy in Mexico City was kept hidden from them because his Cuban companion was a man who had worked for the CIA.'

That may be so and there may be—undoubtedly there are—other instances in which the Commission was bamboozled by the CIA and the FBI. However, a Commission, composed for the most part of well-trained lawyers, and with practically unlimited means of investigation at its disposal, must have been able to discern at least that the overall picture of the official version was false. The



fact alone that the Commission chose to disregard all contrary testimony, including that of most important material witnesses, proves its bad faith, as I have amply documented in *Oswald: The Truth*, I believe.

Garrison has thrown down the gauntlet, however, to the FBI and the CIA, without possible retreat. He wound up the interview with this remark :

'The arrogant, totalitarian efforts of these federal agencies to obstruct the discovery of the truth is a matter which I intend to bring to light when we have finished doing the job they should have done.'

## Chapter 7

### *If They're Innocent—Why Do They Run?*

Judging by the way the press has been acting in the case, editors throughout the world must have a soft spot for presidential assassins and their accomplices.

Not, to be sure, in the case of Lee Harvey Oswald, who was unanimously condemned and convicted in the public prints for a crime he never committed. But the New Orleans conspirators uncovered by Jim Garrison were all and sundry innocent *a priori* in the eyes of the press which fondly clasped them to its big heart.

Not one of the reporters, editors and commentators who have been bewailing the harsh fate of Clay Shaw, David Ferrie, Gordon Novel, Arcacha Smith and other lily-white victims of Garrison's inquisitorial mania, ever asked themselves the simple yet imperative question : If They're Innocent, Why Do They Run?

For, in striking contrast to the Dallas exhibition of unadulterated lynch justice, in which a pre-ordained 'suspect' was arrested without a shred of evidence, deprived of his constitutional rights, grilled in the absence of counsel and even without records and then murdered while in the custody of the police, the New Orleans proceedings have been, from the outset, orderly, law-abiding and strictly fair.

While Oswald never got within shouting distance of a lawyer, every one of Garrison's suspects, whether wealthy or poor, promptly found himself surrounded by whole batteries of high-priced attorneys with no questions asked about fees and plenty of defence funds available for bond and other legal expenses. And, in most cases, the lawyers' first piece of advice has been : Get out of town, fast, and go into hiding !

A corner of the veil shrouding this massive rescue operation was lifted on May 11 when Garrison, in answer

to reporters' questions outside the Orleans Parish Grand Jury room flatly stated that the Central Intelligence Agency was picking up the tab for key figures in his Kennedy death plot investigation.

'Naturally, they (the CIA) are paying lawyers involved,' he said. 'There's no question about that.'

The District Attorney specifically named Burton Klein, counsel for the (currently penniless) Alvin Beauboeuf, David Ferrie's former room-mate and 'boy friend'; Steven Plotkin, one of several attorneys representing Gordon Novel; and, by implication, Lex Hawkins, a prominent lawyer-politician in Omaha, Nebraska, who had taken the former Sandra Moffit under his wings, as recipients of CIA funds and assistance.

'We have reason to believe that Mr. Klein has recently been to Washington, D.C.,' Garrison said. Klein, naturally, opposed an indignant denial (they are a 'must' and absolutely routine in all cases affecting the CIA): 'I emphatically deny the statement made by Mr. Garrison that I contacted the CIA or spoke to anyone acting for that organisation.'

Let it be noted, in passing, that a brother of Burton Klein was active, alongside of the notorious CIA agents Guy Banister and David Ferrie, in setting up one of the Cuban exile organisations which operated out of that famous building on Lafayette and Camp Streets in New Orleans. The CIA blood, then, seems to run in the family.

Of lawyer Steven Plotkin, Garrison said explicitly: 'We know that Mr. Plotkin has been receiving money, if only through an intermediary, from the CIA.' Of course, Plotkin, too, denied this.

Gordon Novel, the client of Steven Plotkin and Jerry Weiner, has been a fugitive from justice since he made a brief appearance before the Orleans Grand Jury on March 16. Told to come back in a few days for more questioning, Novel instead skipped town and took refuge in Columbus, Ohio; there he was picked up by police on April 1, in suburban Gahanna.

Novel's importance as a material witness is highlighted

by the fact that New Orleans Judge Matthew Braniff had required him to post a \$50,000 bond—five times the amount Clay Shaw had to put up—or be arrested as a fugitive from justice. In Columbus, however, Novel was released on a \$10,000 bond, pending extradition proceedings.

On his way north, Novel made a stopover at McLean, Va., a Washington suburb best known for the fact that the huge CIA headquarters is located there. He then betook himself to the office of a 'private detective' named Lloyd Furr for the purpose of taking a 'lie detector test', very privately indeed. The outcome of the 'test' was a foregone conclusion. Novel 'passed' it with flying colours. 'He showed no deceptions,' Mr. Furr solemnly announced.

Through the office of Governor John J. McKeithen, the New Orleans authorities promptly but unsuccessfully requested extradition of Novel from Ohio Governor James A. Rhodes. With the CIA holding a protective hand over the fugitive, Rhodes found enough loopholes in technicalities to delay extradition until Novel on July 3 was set free by Judge William Gillie in the Columbus Municipal Court. At press conferences in that city, Novel made two remarkable disclosures :

1—That he had actually been back to New Orleans since the extradition fight started. He said he flew into New Orleans from New York, picked up his automobile, a shining white Lincoln, and drove back to Ohio. No one noticed him, he said, because he came in dressed as a priest, wearing a bowler, dark glasses and smoking a cigar.

2—That he had been on the payroll of the National Broadcasting Company from February 1, 1967 through April 1, helping the network gather information and material for the programme it put on the air in June (see Chapter 11).

Asked why he hadn't participated in the NBC show—excuse me, 'documentary'—itself, Novel candidly stated the reason : the network wanted to preface its pro-

gramme by saying that none of the witnesses interviewed had been paid.

While Novel was fighting extradition proceedings from his safe hideout in Ohio, more trouble was piling up for him on the home front, unrelated to the assassination.

Novel had been part owner, along with four other licensees, of the 'Jamaican Villiage Inn', at 800 N. Rampart in New Orleans. On the night of August 2, police raided the establishment and found two waitresses in topless attire serving drinks. They were arrested and booked with obscenity. The following day, Civil District Court Judge S. Sanford Levy issued an injunction 'enjoining and restraining' the operators of the Jamaican Village Inn 'from permitting females on the premises with bare breasts until further orders of this court.'

Meanwhile the versatile and talkative Novel had had other adventures. On May 22, while in Nashville, Tenn., a TV news wagon in which Novel allegedly was sitting was hit by a volley of shots fired from behind a hedge in front of the apartment of Gary Edwards, news director of station WKDA. First reports indicated that Novel had suffered a minor shoulder wound, but nothing more was heard of the matter. In New Orleans, District Attorney Garrison dismissed the story as a hoax.

And, on May 24, lawyers for Gordon Novel filed in the federal court in New Orleans a \$10 million damage suit against Garrison, alleging that the District Attorney had falsely charged Mr. Novel with being a material witness in his Kennedy death plot investigation, and thereby damaged his reputation. For good measure, the damage suit also claimed one million dollars from each member of 'Truth or Consequences, Inc.' the group of financial backers supporting the Garrison investigation. As this organisation is believed to have about fifty members, Novel apparently hopes to collect around \$60 million in 'damages'.

Garrison had no more luck with his request to Governor John Connally of Texas for the extradition of Sergio Arcacha Smith. As has been mentioned before, the warrant for the arrest of Arcacha Smith was issued

ostensibly for his participation in the Houma Bunker munitions theft, but, as in the case of Novel, the real reason was that Garrison wanted to talk to the Cuban exile about the assassination plot.

Arcacha Smith, in Dallas since 1962, was arrested on April 3, only to be released immediately against a modest bond of 1,500 dollars. When Garrison sent some of his investigators to Dallas, Arcacha Smith refused to talk to them unless Assistant District Attorney Alexander, top aide to Henry Wade and one of the chief architects of the Oswald Hoax, were present at the hearings. Garrison's men had no desire to let Alexander in on what they wanted to hear from Arcacha Smith and had to leave with empty hands.

As Governor Connally refused to sign the warrant of extradition within the specific ninety days required by law, Arcacha Smith was officially released from extradition proceedings on July 5. As though this legal chicanery had vindicated his client, Arcacha's lawyer, Frank P. Hernandez, promptly threatened to sue Garrison and his backers because, as he put it, his client's 'reputation has been stained forever both here and in other parts of the world.'

Arcacha himself adopted a threatening posture. On a television programme in Dallas, he vowed to 'destroy' Jim Garrison. Such a threat normally carries a two to five year prison term, but Dallas District Attorney Wade simply ignored it. Few people, of course, have a bigger personal stake in the perpetuation of the Kennedy Murder Fraud than the ineffable Wade (for details, see *Oswald: The Truth*).

Another important witness who sought refuge in foreign parts was Perry Russo's former girl friend, Sandra Moffit. From all indications, she was not really involved in anything, or not seriously anyway. District Attorney Garrison, however, wanted to talk to the young woman, now Mrs. McMaines the wife of an obscure minister in Omaha (later Des Moines, Iowa), apparently to see whether she would confirm Russo's presence at that

meeting in Ferrie's apartment in mid-September 1963.

Sandra balked at a subpoena directing her to testify before the Grand Jury in New Orleans, with the result that a warrant for her arrest was issued. Although Judge Haggerty had fixed her bond at \$5,000, she was released on a \$1,000 bond.

Like all the other reluctant witnesses Garrison sought to question, Mrs. McMaines preferred to tell her story to the press rather than to a grand jury. She told reporters that she had indeed been a good friend of Perry Russo, whom she had once loved, but that she had not accompanied him to Ferrie's apartment. Besides, she added, she hadn't even met David Ferrie until some time in 1965.

If that story is true, it is hard to see why the young woman would refuse to tell it to a grand jury. There is nothing to incriminate her in a past friendship with Russo and there is nothing wrong with her having known Ferrie two years after the assassination.

Actually, the very fact that Mrs. McMaines stubbornly refuses to testify under oath is a strong indication that her story would not hold up in a courtroom. Evidently she—or whoever is prompting her—fears a confrontation with Perry Russo under penalty of perjury.

On May 11, Garrison stated: 'We know that Sandra Moffit, up in Iowa, who has no money, is represented by the chairman of a thirteen-state regional Democratic organisation.' He identified this important and influential personality as Lex Hawkins, currently leader of the Midwest Democratic Chairmen's Association. He did not need to add that only a trusted backer of the Administration could hold such a post for any length of time.

Significantly, as the date for Clay Shaw's trial approached, his lawyers were to ask permission for depositions made by Mrs. McMaines to be allowed in evidence. The judge quite rightly refused on the grounds that the criminal law contained no precedent for such a move. It was an obvious attempt to introduce hearsay into the proceedings and thus enable Miss Moffit to avoid embarrassing cross-examination.